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ABSTRACT

This paper discusses the outcomes of a study that examined local response to the implementation of the least restrictive environment (LRE) provision for preschool children with disabilities within two counties in New York State during the 1994-97 school years. Open-ended interviews were conducted with four groups in each county: Committee on Preschool Special Education Chairpersons, County Representatives, Preschool Special Education Directors, and Head Start Directors. County A and B identified three factors as influential in the implementation of LRE: (1) state policy, (2) cost, and (3) organization of the Committee on Preschool Special Education. County A viewed the 1996 legislative changes as influential in affecting positive changes in the delivery system. Although the county representative was responsible for the costs of preschool special education, all reaming groups in County A recognized the influence of cost in the implementation of the LRE mandate. All four groups in County A perceived a conflict of interest in the role of the evaluator at committee meetings. Some interviewees in County B viewed the 1996 legislation as a top-down state initiative, the cost was not viewed as influential, and the role of the evaluator was not perceived as a conflict of interest. (Contains 153 references.) (CR)

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LOCAL VARIATIONS IN LEAST RESTRICTIVE ENVIRONMENT PLACEMENTS FOR PRESCHOOL CHILDREN WITH DISABILITIES

BY

EILEEN M. BORDEN

A Dissertation
Submitted to the University of Albany,
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Doctor of Education

School of Education
Department of Educational Administration
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EILEEN M. BORDEN

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ABSTRACT

LOCAL VARIATIONS IN LEAST RESTRICTIVE ENVIRONMENT PLACEMENTS FOR PRESCHOOL CHILDREN WITH DISABILITIES

BY

EILEEN M.BORDEN

CHAIR: DR. GORDON PURRINGTON

This study examined local response to the implementation of the least restrictive environment provision for preschool children with disabilities within two counties in New York State during the 1994-97 school years. A qualitative approach was used to describe and explain those factors that influenced the implementation of the least restrictive environment mandate. Using an adapted interview protocol with permission, open-ended interviews were conducted with four groups in each county: Committee on Preschool Special Education Chairpersons, County Representatives, Preschool Special Education Directors, and Head Start Directors.

County A and B identified three factors as influential in the implementation of the least restrictive environment mandate: (a) state policy, (b) cost, and (c) organization of the Committee on Preschool Special Education. County A viewed the 1996 legislative changes as influential in affecting positive changes in the preschool delivery system. Although the County Representative was responsible for the costs of preschool special education, all remaining groups in County A recognized the influence of cost in the implementation of the least restrictive environment mandate. All four groups in County A perceived a conflict of interest in

the role of the evaluator at committee meetings. The County A Representative was considered pro-active by the other groups for her leadership in initiating the collaboration of committee members in developing more placement options in the least restrictive environment.

Some interviewees in County B viewed the 1996 legislation as a top-down state initiative and the submission of the business plans was discussed by several preschool directors as a measure to force change at the local level. The cost of preschool special education was not viewed as influential. The role of the evaluator was not perceived as a major conflict of interest at committee meetings in County B. However, in County B, no group was identified in assuming a leadership role and each committee structure was viewed as functioning separately, but collaboratively, in implementing the least restrictive environment mandates.

Recommendations for further research included the need for an analysis of the affect of the business plans over the two year period to reduce the percentage of preschool children with disabilities in special classes in New York State. Additionally, research is lacking on the decision-making process of the Committee on Preschool Special Education to increase understanding of the role of each member and how the least restrictive environment policy is interpreted at the local level.

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CHAPTER I

Introduction

Disability policy, like policy for other oppressed groups, has both guided and reflected changes in attitudes over time. Over the last century, disability policy has evolved from an emphasis on charitable care to an emphasis on medical treatment and rehabilitation to its current emphasis on individual empowerment and civil rights (National Council on Disability, July 26, 1996; Winzer, 1993). Over the past two decades, considerable attention has been devoted to the development of federal and state policies that provide universal access to special education services in the United States.

In 1975, the U.S. Congress enacted the Education for All Handicapped Children Act (Public Law [P.L.] 94-142). This law required states to provide, by 1978, access to a free appropriate public education (FAPE) and improved educational results for all school-age children with disabilities (20 U.S.C. Section 1412)(1B). This congressional response was highlighted by several findings:

> (a) the special educational needs of children with disabilities were not being fully met, (b) one million children with disabilities in the United States were excluded entirely from the public school system and did not go through the educational process with their peers, (c) many children were participating unsuccessfully in a regular education program.....because their disabilities were undetected, and (d) the lack of adequate services within the public school system......forced parents to find services outside the public school system (20 U.S.C. Section 1401)(3B).

This act compelled all state and local educational agencies that received federal funds to comply with its anti-exclusion and anti-discrimination clauses. Any state failing to provide access to a free appropriate public education for school-age children would lose all federal special education funds. This landmark legislation included incentives for including preschool children; however, the grant awarded was only $300 per handicapped child aged three to five who received special education and related services (20 U.S.C. Section 1419). When enacting P.L. 94-142, the U.S. Congress did not require a free, appropriate public education for all 3-to 5-year olds with disabilities and the impact on children below school age was limited (Hebbeler, Smith, & Black, 1991).

The Education of the Handicapped Act Amendments of 1986 (P.L. 99-457) was more influential in ensuring services for preschool children. New and comprehensive programs for infants and toddlers with disabilities were created and programs for children at risk were encouraged (20 U.S.C. Section 1471)(b1). Incentives and sanctions substantially expanded the provision of early intervention programs to children, aged birth to five, with disabilities.

The Individuals with Disabilities Education Act (IDEA) of 1991, and amended in 1997, continued the process of legislative refinement for the provision of preschool special education services. Whereas only 20 states and territories had preschool special education entitlements in 1986, 51 had such entitlements by 1992 (Smith, 1992). Nationally, the number of preschool children with disabilities, aged three to five, receiving services doubled from 261,000 in 1986 to 528,000 in 1995 (National Council on Disability, 1996). Part B of the Individuals with Disabilities

Education Act contains obligations for States to provide education for students with disabilities and the requirements for their participation in the Act. Part B is important for students with disabilities, aged 3 to 21, because it contains the basic right to a free and appropriate public education in the least restrictive environment. It also contains procedural safeguards for students with disabilities and their parents. These safeguards assure that student and parental educational rights are not diminished, they are not discriminated against and schools do not deny educational benefits to any child with a disability (Stainback & Stainback, 1996). Authorization of Part B, a necessary provision after years of denial and discrimination against children with disabilities, is permanent.

When asked to settle disputes between school districts and parents over a proposed special education program, the least restrictive environment mandate is a primary consideration of the courts. An analysis of all federal and state judicial decisions interpreting the Individuals with Disabilities Education Act during 1978-1994 identified the least restrictive environment mandate as the fifth most contentious issue in special education litigation, accounting for 9.4% of all court cases; New York State was also ranked as having the highest frequency of judicial decisions (Maloney & Shinker, 1995).

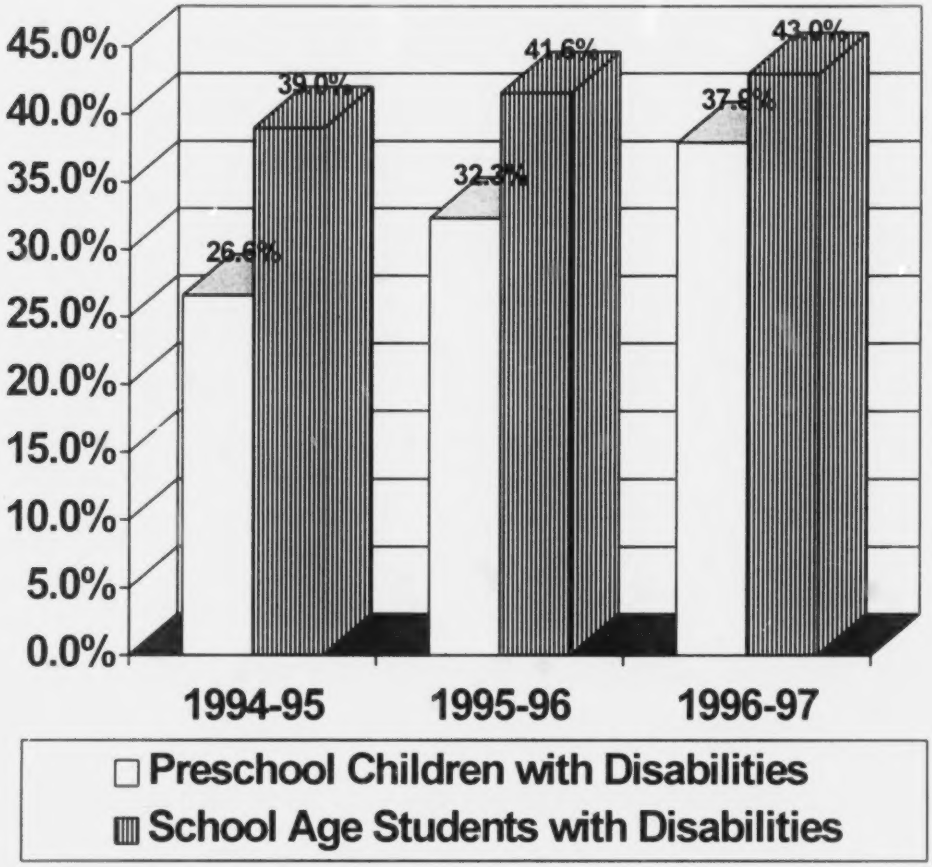
With the legal guarantee of free appropriate services a reality, it seems reasonable to focus greater attention on the actual operations of educational policy at the local level. It is a truism that all policies do not have their intended effects. There are many possible reasons for this; one of the most important for education is the organization of educational governance. Early intervention policy is transmitted from federal to state to local levels in a system in which authority and power are dispersed within strong traditions of state and local autonomy (Cohen, 1982). Accurate transmission of policy intentions among these levels is at best problematic.

Statement of the Problem

Local school districts are influenced to varying degrees by the mandates, financial incentives, and other policy instruments available to state and federal governments (McDonnell & Elmore, 1987). In pursuing their own goals, some school districts may seek only pro forma implementation of federal and state policies to avoid real change while meeting the letter of the law (Timar, 1989). Even when seeking to comply fully, school districts have substantial discretion in the implementation of federal and state policies, often in ways that reflect their own interpretation of laws and regulations as they accommodate local political and fiscal conditions.

The New York State Education Department has updated the policy and procedures for placement of students in the least restrictive environment; however, the guidelines by themselves do not ensure that school districts have made accessible to preschool children with disabilities an education with their non-disabled peers (Vocational and Educational Services for Individuals with Disabilities [VESID], 1994; June 1997). A possible result is considerable variation in local response to the implementation of these provisions leading to differing local policies. In New York State, the percentage of preschool children with disabilities receiving special education services with nondisabled children during 1994-97 has been relatively low, with a 6% increase each year (refer to figure 1).

Figure 1. Percentages of Preschool and School-age Children with Disabilities Receiving Special Education Services with Nondisabled Children in New York State



Sources for Figure 1:

VESID (March, 1995). The Consolidated Special Education Performance Report for 1993-94. Albany, New York: The State Education Department.

VESID (May, 1997). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1995-96. Albany, NY: The State Education Department.

VESID (in press). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1996-97. Albany, NY: The State Education Department.

One performance indicator of the Board of Regents in New York State is establishing system-wide goals to dramatically increase the provision of special education services in integrated settings (VESID, January 1996). Reaching this goal would increase the percentage of preschool students with disabilities receiving special education services in settings that include nondisabled peers. Figure 1 shows that, since 1994, services for preschool students with disabilities in integrated settings have lagged behind their school-aged counterparts. One objective of the New York State Education Department's is to have equal numbers of preschool and school-age students with disabilities receiving services in integrated settings (VESID, July 1997). Although the percentage of preschool students with disabilities receiving services with nondisabled peers during 1994-97 increased 6% each year (26.6%, 32.3%, and 37.9%, respectively), a greater percentage of school-age students received services in similar settings during each of the three years (39%, 41.6%, 43%, respectively). However, school-age services in such settings increased at a lower rate for the three year time period, 3% in 1995 and 1% in 1996. The gap between preschool and school-age students receiving special education services with non-disabled peers has lessened considerably over the three years.

Results of a 1996 independent survey authorized by New York State's Commissioner of Education showed that "most preschool children with disabilities—nearly three-quarters statewide—were placed in special classroom settings during the 1995-96 school year" (MAGI Educational Services, 1997, p. iv). Statewide, 83% of these preschool special classroom placements were in self-contained classrooms, that is, classrooms serving only children with disabilities. Only 20% of preschool classroom placements statewide were in integrated classrooms, that is, classrooms serving children with and without disabilities. Overall, fewer than one in five special education students were educated in classrooms with their nondisabled peers. The percentage of preschool students placed in special classroom settings, either integrated or self-contained, varied by respondents: 73% statewide, 84% in New York City; and 61% in the rest of the state. Considering special education itinerant teacher services and related services only, 27% of preschool children with disabilities received these less restrictive options statewide, as compared to 16% in New York City and 39% in the rest of the state.

A comparison of preschool and school-age special education services revealed that more preschoolers were placed in self-contained classroom placements than their school-age counterparts ages 5-7 (MAGI Educational Services, 1997). Statewide, 60% of preschool special education students were placed in self-contained classrooms serving disabled children only, compared to 40% of the school-age 5-7 population. In New York City, 78% of preschool special education students were placed in self-contained classrooms, compared to 60% of the school-age 5-7 population. The rest of the state had 43% of preschool special education students placed in self-contained classrooms, compared to 26% of the school-age 5-7 population. Without a comparable regular education option at the preschool level, these numbers remain disproportionate to school-age students.

Preschool placements varied according to statewide, New York City, and rest of state data. The MAGI study demonstrated that, twenty years after the passage of P.L. 94-142, more preschool children with disabilities in New York State continued to be placed in self-contained classroom settings than their school-age counterparts. There were no simple explanations for these results, nor was it the purpose of the study to provide the answers. One factor, "supply", was offered as a possible reason for the high percentage of preschool students placed in more restrictive settings (MAGI Educational Services, 1997). Since preschool education was not mandated for all children, this may affect a program's ability to mainstream resulting in center-based programs as the only "game in town" (MAGI Educational Services, 1997, p. 51). Recognizing limits to their study, numerous questions requiring follow-up study were raised. Specific to the least restrictive environment provision, one question asked requiring further study was, "Are there districts that are particularly effective in serving preschool children with disabilities in the least restrictive environment?" (MAGI Educational Services, 1997, pg. 52). This study of two counties begins to answer this question by moving one step beyond preschool placement data and exploring the factors that facilitate or constrain placements in the least restrictive environment.

Table 1 represents a national comparison of seven states during the 1993-94 and 1994-95 school years. For both years, New York State had the highest percentage of preschool students with disabilities, 5% and 6% respectively, when compared to its total population. California identified the lowest percentage of preschool students, 3% for both years, when compared to its total population. The rate of growth for all seven states was relatively stable, with Florida, New York, Ohio, and Texas, increasing 1% from the 1993-94 school year.

Table 1

Comparison of Seven States during the 1993-94 and 1994-95 School Years

STATE	NUMBER OF PRESCHOOL CHILDREN WITH DISABILITES SERVED		PERCENT OF TOTAL POPULATION		PERCENTAGE IN REGULAR CLASS SETTINGS	
	1993-94	1994-95	1993-94	1994-95	1993-94	1994-95
CALIFORNIA (1.5 million children ages 3-5)*	50,966	52,023	3%	3%	49%	53%
FLORIDA (546,000 children ages 3-5)*	22, 351	25,177	4%	5%	49%	43%
ILLINOIS (515,000 children ages 3-5)*	22,947	25,018	4%	5%	45%	45%
NEW YORK (775,000 children ages 3-5)*	40,492	45,000	5%	6%	23%	32%
OHIO (471,000 children ages 3-5)*	16,347	18,103	3%	4%	60%	44%
PENNSYLVANIA (485,000 children ages 3-5)*	17,508	19,715	4%	4%	38%	40%
TEXAS (860,000 children ages 3-5)*	28,306	30,647	3%	4%	50%	55%

*Note: Resident population counts for children ages 3-5 provided by the Bureau of the Census.

Sources:

Bureau of the Census (1992). 1990 U. S. Census of Population Data. Washington, DC: U. S. Government Printing Office.

VESID, (July 7, 1995). Report on Preschool Special Education in New York State. Albany, New York: The State Education Department.

New York State served the second highest number of preschool children with disabilities during both years but had the lowest percentage of students, 23% and 32% respectively, in regular education settings (U.S. Department of Education, 1996, 1997; VESID, July 7, 1995). California, which served the highest number of preschool children with disabilities during both years, had the second highest percentage of students, 49% and 53% respectively, in regular education settings. Pennsylvania, serving the lowest number of preschool children with disabilities during both years had the highest percentage of students (60%) in regular education settings during 1993-94, and the third highest (44%) during 1994-95. California and Pennsylvania consistently served a high percentage of preschool students with disabilities in regular education settings regardless of whether they had high or low numbers of students identified. Overall, New York State identified the second largest number of preschool children with disabilities and had the lowest percentage of special education services delivered in regular education settings since the 1993-94 school year.

In New York State, the school district is considered the local education agency responsible for the coordination of special education services for preschool children with disabilities. The extent to which the provisions for the least restrictive environment provision are being satisfied can be ascertained by the manner in which those requirements have been implemented by various school districts. Variations of state and local response to these requirements emphasize that the operational meaning of the least restrictive environment provisions for preschool children with disabilities is problematic and has yet to be fully understood.

Gathering data on local implementation will help determine how much and in what ways local practices vary from the intentions of federal and state policy. The collection of data on local practices is a critical issue for local and state education agencies. Moreover, many important aspects of educational practice are difficult to specify and observe, and state education agencies generally lack the staff, time, and money to monitor compliance with state policies regarding even those aspects of education that are relatively easily assessed (Cohen, 1982; Timar, 1989). For example, in New York State, in the case of implementation of the least restrictive environment mandate, state monitoring is even more difficult because counties, not school districts, are fiscally responsible for the costs of preschool special education. At this time, school districts do not directly contribute to the costs of preschool special education program; counties contribute 40.1% and the State of New York contributes 59.9% of the costs. Although school districts do not contribute to these costs directly, district residents are affected financially by the preschool special education program through their tax dollars. Therefore, it is important to obtain a clear picture of local implementation of early childhood special education in relation to state and federal mandates.

Purpose of the Study and Research Questions

The purpose of this study is to compare local response to the implementation of the least restrictive environment provision for preschool children with disabilities within two selected counties in New York State during the 1994-95, 1995-96, and 1996-97 school years. The following research questions guide this study:

1: What was the profile of local implementation of early childhood special education in two selected counties within New York State?

2: What were the factors that either facilitated or constrained implementation of the least restrictive environment mandates within the selected counties?

3. To what extent, if any, was there variation in local progress toward implementation of the least restrictive environment policy for preschool children with disabilities within the selected counties?

Rationale

Weatherly and Lipsky's (1977) research on policy implementation provides the framework for this policy study. In examining the implementation of Chapter 766, a special education law of Massachusetts enacted in 1972 to significantly expand special education services, Weatherly and Lipsky (1977) argued that "the meaning of public policy cannot be known until it is worked out at the street [local] level" (p.2). This perspective suggests that the lowest levels of the policy chain, the actual implementors or "street-level bureaucrats" (p. 171), are the makers of the policy in terms of what they actually implemented and thought the original policy to mean. In order to understand the meaning of policy, this perspective directs the researcher to discover what influences the local implementation process in response to enacted policy.

This study examined the local response of two counties to the least restrictive environment provision of the Individuals with Disabilities Education Act for preschool children with disabilities. First, to capture the local response of early childhood special education, services that preschool children with disabilities received over a three year period, 1994-1997, were described. Placement data from the New York State Education Department was used to answer this research question which provided a means for exploring how the least restrictive environment provision was being implemented in each county.

With this foundation in place, the weight of analysis places increasing emphasis on the personal, political, and organizational forces at work within the implementation arena as a key object of study (Nakamura & Smallwood, 1980). The regulations and procedures found in the provisions of federal and state law may not ensure that the local delivery of these educational services are being carried out. Weatherly & Lipsky (1977) and others (McLaughlin, 1987; Nakamura & Smallwood, 1980; Pressman & Wildavsky, 1984; Van Meter & Van Horn, 1975) emphasized examination of the complexities that influence the actors in the implementation arena. To answer the second research question, four groups at the lowest level of the policy chain were selected for 1:1 interviews to identify factors that influenced the implementation of the least restrictive environment policy: (a) Chairpersons of the Committee on Preschool Special Education, (b) County Representatives, (c) Preschool Special Education Directors, and (d) Head Start Directors. These four groups, considered actual implementors or street-level bureaucrats, were viewed as playing a crucial role in shaping the policy process of the preschool special education system. The interview questions were designed to explore factors that contributed to the shaping of a county's approach to the implementation of the least restrictive environment provision. Taking the analysis one step further beyond placement data, this study examined local factors that facilitated or constrained implementation of the least restrictive environment provision that contributes to the understanding of how local implementors affect the intent of educational policy.

However, an obvious conclusion running through empirical research on policy implementation is that it is difficult to make something happen, most especially across layers of government and institutions (Fuhrman, 1993; Grodzins, 1966; McLaughlin, 1987; Odden, 1991; Pressman & Wildavsky, 1984; Weatherly & Lipsky, 1977). This is so because policy makers, at any level, can not mandate what matters. The intent of this study was to identify and describe factors that contributed to the approach to implementation of the least restrictive environment policy in two counties. The last research question analyzed any variation in local progress toward implementation of the least restrictive environment provision. Similarities and differences in implementation strategies across counties were highlighted. This information contributed toward an understanding of how the least restrictive environment provision was implemented at the local level, as well as what means were used by implementors and what conditions they understood were important in the process.

The Least Restrictive Environment Mandate

Fundamental to understanding the least restrictive environment mandate is recognition that the federal law does not offer a clear, absolute definition of this concept. The Individuals with Disabilities Education Act conditioned federal financial assistance for the education of students with disabilities upon the establishment and implementation of state procedures regarding the least restrictive environment which:

> assure that, to the maximum extent appropriate, children with disabilities...are educated with children who are not disabled, and that special class, separate schooling, or other removal of children occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (20 U.S.C. Section 1412)(5B). [emphasis added]

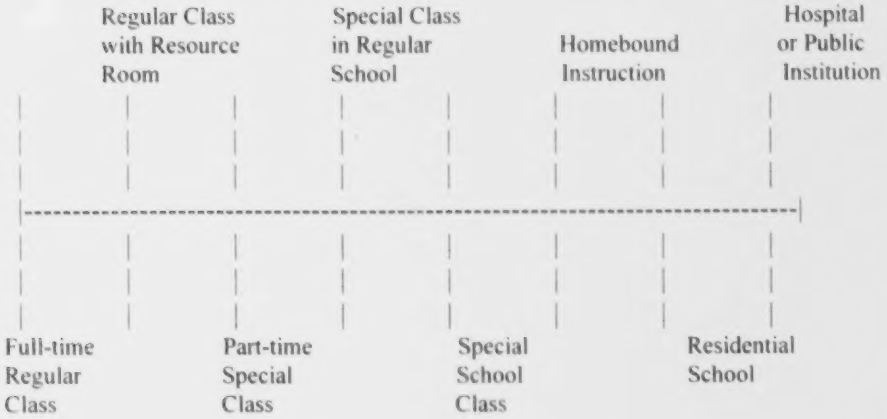
Although states may interpret this definition differently, for the last 20 years, federal legislation has been consistent concerning the criteria for the least restrictive environment requirement. "Removal from the regular education environment" is to occur "only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids cannot be satisfactorily achieved" (34 C.F.R. 300.550, p. 55). The law, therefore, presumes that services will be delivered in the classroom the child would attend if not disabled. Placement decisions were made on the basis of the individual student's needs and the ability to provide necessary assistance in less restrictive settings (Margolis & Tewel, 1990).

Consistent with federal provisions, the Regulations of the Commissioner of Education in the State of New York defined least restrictive environment to mean that:

> the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature and severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved (8 NYCRR 200.1x, p. 3). [emphasis added]

Use of the conditional statement 'when' in the federal and state laws above clearly demonstrate that both the U. S. Congress and the State of New York recognize that there always will be children whose disabilities preclude a general education placement. The rationale for the placement of students with disabilities in the least restrictive environment is to ensure that they are not improperly excluded or segregated from the public school system, and to ensure their full access to equal educational opportunity. For the purpose of this study, the New York State Commissioner's definition of the least restrictive environment will be used. Conceptually, the least restrictive environment mandate means educating a child with a disability in a way "that least limits or restricts that child's opportunities to be near and interact with other typical children" (Salisbury, 1990, p. 2). Local educational agencies must ensure that a continuum of alternative placements is available to meet the special education needs of each child with an identified disabling condition. Since its earliest conceptualization, the least restrictive environment provision has been defined operationally in terms of a continuum, an ordered sequence of placements that vary according to degree of restrictiveness (Deno, 1970; Dunn, 1968; Reynolds, 1962; Taylor, 1988). Figure 2 represents a continuum of greater or lesser opportunities to be near or interact with non-disabled children, thus creating the idea of how "restrictive" a placement is in the education environment. Taylor (1988) assumes that "every person with a disability can be located somewhere along the continuum based on individual needs" (p. 43). Placement options range from regular class placement on the less restrictive end to home-bound instruction and residential schools on the more restrictive end.

Figure 2. Taylor's (1988) "New Community-based Least Restrictive Environment Continuum Model" of Special Education.


Regular Class with Resource Room
Special Class in Regular School
Homebound Instruction
Hospital or Public Institution
Full-time Regular Class
Part-time Special Class
Special School Class
Residential School

<---LESS RESTRICTIVE...MORE RESTRICTIVE--->

<---MOST INTEGRATED...LEAST INTEGRATED--->

<---MOST NORMALIZED...MOST NORMALIZED--->

<---LEAST INTENSIVE SERVICE...............................MOST INTENSIVE SERVICE--->

Source:

Taylor, S. (1988). Caught in the continuum: A critical analysis of the principle of the Least Restrictive Environment. The Journal of the Association of Persons with Severe Handicaps, 13, 41-53.

Figure 3 depicts a second continuum of options for preschool children with disabilities in New York State. Regular class placement for preschool children with disabilities is not a universal option in New York State; therefore, the continuum is structured differently than Taylor's model. Less restrictive options, such as related services or Special Education Itinerant Teacher (SEIT) services, can be delivered in settings not limited to home, nursery school, day care, Prekindergarten, or Head Start. More restrictive settings are half- or full-day integrated or special class placements. This continuum is consistent with the *19th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* which stressed the importance of providing a full continuum of services for children with disabilities (U.S. Department of Education, 1997). The report also emphasized that a range of options, tailored to meet the individual needs of the student, continues to be the most effective approach.

The reauthorization of the Individuals with Disabilities Education Act in 1997 continued to place the responsibility on each state to ensure that each local educational agency established and implemented procedures that met the requirements of the least restrictive environment provisions. In May 1994, the New York State Board of Regents approved the Least Restrictive Environment Implementation Policy Paper which established a clear policy on how local education agencies and the State were to implement Federal and State requirements relating to the education of students with disabilities in the least restrictive environment (VESID, 1994). Updating the policy paper in 1997, the Board of Regents reiterated

Figure 3. New York State's Continuum of Service Options for Preschool Students with Disabilities.

Related Services	SEIT* Services	SEIT* & Related Services	Half-Day Integrated Special Class	Full-Day Integrated Special Class	Half-Day Special Class	Full-Day Special Class	Residential Programs

*SEIT refers to Special Education Itinerant Teacher: a certified special education teacher that delivers special education services in settings not limited to home, nursery school, day care, Prekindergarten, or Head Start.

<---LESS RESTRICTIVE..MORE RESTRICTIVE--->

<---MOST INTEGRATED..LEAST INTEGRATED--->

<---MOST NORMALIZED..MOST NORMALIZED--->

<---LEAST INTENSIVE SERVICE.....................................MOST INTENSIVE SERVICE--->

Source: (8 NYCRR 200.16) (d) (3) Regulations of the Commissioner of Education. Part 200—Students with Disabilities. Albany, New York: Office of Vocational and Educational Services for Individuals with Disabilities.

the state's priority in moving toward an educational system that accommodates the needs of all students with and without disabilities (VESID, June 1997).

However, a primary obstacle to achieving these state goals for preschool children with and without disabilities is a lack of a general education counterpart to special education at the preschool level (McLean & Hanline, 1990; Smith & Rose, 1991). Accordingly, the U.S. Office of Special Education Programs specified the following alternative options where public agencies do not operate their own programs for nondisabled preschool children (34 C.F.R.300.552):

1) providing opportunities for the participation (even part-time) of preschool with disabilities in other preschool programs operated by public agencies (e.g. Head Start);
2) placing preschool children with disabilities in private preschool programs for non-disabled preschool children or private school preschool programs that integrate children with and without disabilities;
3) locating classes for preschool children with disabilities in regular elementary schools.

Implementation of service delivery systems that incorporate these three alternative methods requires more than a philosophical commitment to integration (Strain, 1990). States must undertake systems change allowing interagency collaboration with preschool programs that are not part of the public school system (Odom & McEvoy, 1990).

While New York State encourages collaboration with programs such as Head Start, there has been an ongoing debate since1993 between the state and federal education departments regarding the responsibility of costs when parents choose to place their child in a private educational setting (e.g. day care, nursery school). In correspondence to the U.S. Office of Special Education Programs, the New York

State Education Department continues to disagree with a federal decision that ....."the public agency must provide free, appropriate public education in the least restrictive environment to all eligible preschool-aged children with disabilities, even if the local educational agency does not provide free preschool programs or regular education to nondisabled preschool-aged children" (Hehir, 1994, p. 5). Both the federal and state special education departments agree that the entire educational program must be provided at no cost to the parent when a preschool child with a disability is placed in a state approved special education program. However, when parents enroll their preschool child with a disability in a child care facility, New York State does not agree with the federal response that tuition costs of the day care or nursery school should be at no cost to the parent. The New York State Education Department agrees that any approved special education services (e.g. speech therapy, special education itinerant teacher services, special class placement) must be provided at no cost to the parent as part of the state's free appropriate public education requirements under federal law, but that parents are responsible for the tuition costs if they place their child in a private nursery or day care setting. Many advocates in New York State believe that it is essential to pay for those special education services, including tuition costs, as part of a student's Individual Education Program in order to create an integrated educational system for preschool children (VESID, August 1995).

In those instances where the Committee on Preschool Special Education has determined that the least restrictive environment requirements can only be met with a full-day or part-time private preschool placement that integrates disabled and nondisabled children, the federal response was that parents are not responsible for tuition costs associated with that placement, regardless of whether in a state approved special education setting or private child care facility (20 IDELR 181). Furthermore, Part B required that every special education program must be offered in the least restrictive setting, including a "natural setting" such as a child care facility (22 IDELR 630).

In 1995, the New York State Education Department continued to argue that state law does not provide for a free universal system of preschool education for three and four-year-olds. Therefore, by statute, the free, appropriate public education requirements.... "do not require the municipality to make regular education available at no cost if state law expressly prohibits or does not authorize the expenditure of public funds to provide education to children who do not have disabilities in that age group" (VESID, 1994, p. 2). New York State's position of requiring parents of preschool children with disabilities to be responsible for private day care or nursery school costs when the Committee on Preschool Special Education recommends services in such a setting, may result in more restrictive settings. If parents are unable to afford the costs of day care or nursery school, they may be less likely to enroll their child in these typical settings. This could result in more restrictive placements in separate, special education preschool programs once a child is eligible for services as a preschool child with disability.

Committee on Preschool Special Education

In New York State, local school districts are the "local educational agency" (LEA) which legally governs and has administrative control or direction of special education services for eligible children. In order to ensure appropriate educational services for preschool students with disabilities, the State requires each board of education of each local educational agency to appoint a Committee on Preschool Special Education (CPSE) to make recommendations.....as to the appropriate educational placement of each preschool student with a disability (8 NYCRR 200.3)(a)(1). Consistent with the 1997 reauthorization of the Individuals with Disabilities Education Act, the Committee on Preschool Special Education includes: (a) the parent of the child; (b) an appropriate professional employed by the school district who serves as committee chairperson; (c) a parent member—parent of a preschool or elementary child with a disability who resides in the school district; (d) a professional who participated in the evaluation of the child for whom services are sought; (e) one regular education teacher if the child is, or may be participating in the regular education environment; (f) at least one special education teacher, or where appropriate, at least one special education provider of child; (g) a county representative appointed by the chief executive officer of the municipality of the preschool child's residence and (h) for a child in transition from early intervention, birth-to-three program, a representative from the Department of Health (20 U.S.C Sec. 614)(d)(1B).

Once a preschool student is referred to the Committee on Preschool Special Education, an individual evaluation in the student's dominate language is initiated that includes a physical examination, individual psychological evaluation, social history, and any other appropriate evaluations necessary to assess the physical, mental and emotional factors contributing to the suspected disabilities (8 NYCRR

200.4)(b). Once evaluated, a child must first meet the eligibility criteria of a "preschool student with a disability," defined in New York State as a student:

> between the ages of 3 and 5 who is eligible to receive preschool programs and services and not entitled to attend the public school....and who, because of mental, physical, or emotional reasons, has been identified as having a disability and can receive appropriate educational opportunities from special programs and services.... (8 NYCRR 200.1x).

Beginning July 1, 1993, the definition of a "preschool student with a disability" was amended to include the following criteria:

> preschool student shall exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn......such delay shall be documented through an individual evaluation which indicates: (a) a 12-month delay in one or more functional area(s) or a 33 percent delay in 1 functional area or if standardized assessments are used, a score of 2.0 standard deviations below the mean in 1 functional area, or (b) 25 percent delay in 2 functional areas, or a score of 1.5 standard deviations below the mean in 2 functional areas......or (c) be classified as autistic, deaf, deaf-blindness, hard of hearing, orthopedically impaired, other health-impaired, traumatic brain injury, or visually impaired (8 NYCRR 200.1)(ee)(mm).

In New York State, when a preschooler meets the criteria of a "preschool student with a disability", the board of education in the school district that the student resides in is responsible for arranging for the delivery of approved appropriate special programs or services in the least restrictive environment. In selecting the least restrictive option, the board of education must first assume that the student is to be educated with students without disabilities unless it can demonstrate that, with the use of supplementary aids and services, the education of the student cannot be satisfactorily achieved in the regular education environment (8 NYCRR 200.1x). The burden of proof is placed on the Committee on Preschool Special Education to demonstrate why the student with a disability could not be educated in the general education classroom with the use of supplementary aids and services.

These special services may be operated by the school district, approved private preschool agencies, or independent appropriately licensed providers. The continuum of service options for preschool children with disabilities, ranging from least-to-most restrictive, are:

> Related Services: means speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, medical services, parent counseling and training, school health services, school social work, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.
>
> Special Education Itinerant Teacher Services (SEIT): means direct or consultation services provided by a certified special education teacher on an itinerant basis at such sites as a prekindergarten class, Head Start program, child care location, child's home, or work site of a provider.
>
> Half-Day Integrated Special Class: means a class consisting of students with and without disabilities staffed by at least 1 special education teacher, 1 regular education teacher, and 1 paraprofessional for the purpose of providing a 2 1/2 hour instructional special education program.

Full-Day Integrated Special Class: means a class consisting of students with and without disabilities staffed by at least 1 special education teacher, 1 regular education teacher, and 1 paraprofessional for the purpose of providing a 3-5 hour instructional special education program.

Half-Day Special Class: means a class consisting of a maximum of 12 students with disabilities staffed by at least 1 special education teacher and 1 paraprofessional for the purpose of providing a 2 1/2 hour instructional special education program.

Full-Day Special Class: means a class consisting of a maximum of 12 students with disabilities staffed by at least 1 special education teacher and 1 paraprofessional for the purpose of providing a 3-5 hour instructional special education program.

In-State Residential Special Education Program: means a publicly or privately supported residential program that provides instructional services for a minimum of 5 hours per day, 5 days a week.

If the preschool student is found eligible for special services, the Committee on Preschool Special Education makes a recommendation to the board of education which includes an Individual Education Program (IEP), a written plan which specifies the education programs and services to be provided to meet the unique educational needs of the identified student (8 NYCRR 200.4c)(2). The IEP shall include:

1. Present levels of performance and the individual needs of the student in the areas of academic achievement, social development, physical development, and management needs;
2. The disability classification;
3. Annual goals, including short-term instructional goals and evaluative criteria, evaluation procedures and schedules to be followed;
4. A statement of the recommended program, class size, if appropriate, and the extent to which the student will be able to participate in regular education programs;
5. The projected date for initiation of services, anticipated duration of such services, and eligibility for 10- or 12-month programming;
6. A description of any specialized equipment and adaptive devices needed for the student to benefit from education; and

7. List of testing modifications to be used consistently by the student, if applicable.

The Committee on Preschool Special Education (CPSE) is required to hold meetings for the purposes of determining eligibility and developing program recommendations. The parents of the preschool student are given the opportunity to attend and participate in the meeting, and may bring other individuals at their discretion. If the preschool student is found eligible and an Individualized Education Program is developed, it must be reviewed at least annually by the Committee on Preschool Special Education for the purposes of recommending continuation, change, or termination of a student's program (8 NYCRR 200.4e).

Significance of Study

Studies that investigate the consequences of federally mandated policy contribute to our understanding of the impact of public policy. At each turn in the policy process, a policy is transformed as individuals interpret and respond to it. What actually is delivered or provided under the protection of a policy depends upon the individual at the end of the line, or the "street level bureaucrat" (Weatherly and Lipsky, 1977). This perspective shifts the focus of analysis away from institutions and institutional goals to individuals and individual incentives, beliefs and capacity. In the implementation phase, human services interpret the real meaning policy and "services" delivered.

Although the New York State Education Department recently updated their policy and procedures for placement of students in the least restrictive environment, the guidelines by themselves do not ensure that school districts have made accessible to preschool children with disabilities an education in the least restrictive environment (VESID, 1994; June 1997). A result has been considerable variation in local response to the implementation of these provisions leading to differing local policies and practices (MAGI Educational Services, 1997). Taking the analysis one step further beyond placement data, this study examined factors at the local level in response to federal policy, a top-down initiative, to contribute to the understanding of how local implementors affect performance of an educational policy.

The field of early intervention has accomplished the task of demonstrating the value and feasibility of integrating preschool children with disabilities into programs with their nondisabled peers (Guralnick, 1982, 1990; Strain, 1990). Considerable progress has been made in addressing these goals in the context of research and model development and demonstration efforts. However, there have been relatively few questions raised about how communities may move from model demonstrations to more widespread implementation of programs that integrate preschool children with and without disabilities (Peck, Richarz, et al., 1989; Salisbury, 1991).

Compounding this issue in New York State has been the lack of a general education counterpart to special education for preschool children. However, Chapter 436 of the Laws of 1997 recently established the New York State Universal Prekindergarten Program (VESID, October 1997). The goal of this program is to provide every 4-year old child in New York State the opportunity to participate in high-quality prekindergarten programs that will help them succeed in kindergarten and throughout their educational experiences (Silver & Sanders, 1997). This program is not mandated, but is designed to provide an opportunity for all school districts to apply for grants for four-year old children over a five-year phase-in period. Currently there are only 19,000 "slots" each year for greater than 200,000 4-year olds (National Center on Educational Restructuring and Inclusion [NCERI], 1997). It is estimated that by the year 2001-2002, approximately 200,000 new children will participate in the new prekindergarten program (Silver & Sanders, 1997).

Each school district is required to establish a Prekindergarten Policy Advisory Board appointed by the superintendent to develop a program plan. The purpose of the Advisory Board is to make a recommendation to the board of education whether the school district should, in collaboration with eligible agencies, implement a prekindergarten program (VESID, October 1997). Financial assistance will be given to districts in accordance with a formula based on specific need factors (e.g. number of eligible students for free lunch). A district's grant award will be based on need and some districts may be ineligible for any financial assistance. Those districts will determine the feasibility of initiating a prekindergarten program within their current operating budget. The New York State Universal Prekindergarten initiative is in the first stage of implementation, (i.e. development of a district Prekindergarten Policy Advisory Board), and the impact of this program is unclear at this time, especially on the provision of preschool special education services in less restrictive settings. As the universal prekindergarten initiative moves toward the next stages of implementation—approval of plans and distribution of grant money—this study has attempted to identify the factors that affect local response to the implementation requirements for the least restrictive environment provisions which is of considerable interest (Petri, 1997; Reed, 1996; VESID, July 1997).

The knowledge generated from the study of policy implementation factors should contribute toward understanding the relationship between state level policy and its adaptation to local conditions, needs, and interests. The nature of this study can provide data that helps explain how organizations at the lowest level of the policy chain abstract and interpret problems of law, make decisions, plan for implementation, and cope with factors that may impede the implementation of public policy.

Definition of Terms

The definitions below establish the meaning of terms used in this study (Article 89, section 4401; 8 NYCRR 200.1). When applicable, acronyms commonly used for special education terms were included.

Committee on Preschool Education (CPSE): a multidisciplinary team appointed by the board of education to conduct meetings to develop, review and revise the individualized education program of preschool child with a disability.

Continuum of Services: a range of service alternatives that are available to a student with a disability. For preschool students, they range from less restrictive (e.g., related services) to more restrictive (e.g., special class placement).

Free appropriate public education (FAPE): a guaranteed right to appropriate public education and full educational opportunity at no cost for students with disabilities ages 3 through 21.

Individualized education program (IEP): a written plan that specifies the special education programs and services provided to meet the unique educational needs of a student with a disability.

Individual Evaluation: procedures, tests, or assessments used selectively with an individual student to determine whether a student has a disability and the extent of his/her special education needs. Required components for preschool students are a physical examination, psychological evaluation, social history, and any other appropriate assessments or evaluations deemed necessary (e.g., speech and language evaluation, physical therapy evaluation).

Least Restrictive Environment (LRE): the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

(1) provide the special education needed by the student;
(2) provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
(3) be as close as possible to the student's home.

Local Education Agency (LEA): the school district where a child would attend school if not disabled. The LEA is the entity legally responsible for the provision of a free appropriate public education for a child with a disability.

Preschool Program: a special education program approved to provide special education programs and services from the continuum of services.

Preschool Student with a Disability (PSWD): a preschool child who exhibits a significant delay or disorder in one or more functional areas related to cognitive, language and communication, adaptive, social-emotional or motor development that adversely affect the student's ability to learn based on the results of an individual evaluation provided in the student's dominant language.

Significant delay is defined as a 12-month delay in one or more functional area(s), or a 33% delay in one functional area or a 25% delay in two functional areas, or if appropriate standardized instruments are used a score of 2.0 standard deviations below the mean in one functional area or 1.5 standard deviations below the mean in two functional areas.

Special Education: specially designed individualized or group instruction or special services or programs, provided at no cost to the parent, to meet the individual needs of students with disabilities.

Listed below are other definitions often used interchangeably in special education that require further clarification:

> Inclusion: the practice of providing a child with a disability his or her education within the general education classroom, with the supports and accommodations needed by the student (Yell, 1995).
>
> Some supporters of full inclusion advocate for all children with disabilities, regardless of the nature or severity of their disability, to be placed in the neighborhood school in age-appropriate classes for the entire day (Fuchs & Fuchs, 1994; Stainback & Stainback, 1996).
>
> New York State includes inclusion as an option within the continuum of alternative placements for students with disabilities (VESID, 1994, June 1997) which varies from full or part-time inclusion.
>
> Mainstreaming: the practice of providing a student with disabilities with some of his or her education in a general education classroom (Reynolds, 1987). Mainstreaming, although a popular term for the legal doctrine of least restrictive environment, is not equivalent.
>
> Integration: used in a variety of ways within the literature and may mean either inclusion or mainstreaming, as defined above. The context of the discussion determines its meaning (Kupper, 1995).

Limitations of the Study

The laws and regulations protecting students with disabilities are not limited to any one particular aspect of the student's education. The local education agency is mandated by federal and state law to implement policy and procedures that include: 1) procedural safeguards; 2) evaluations; 3) the least restrictive environment provisions; and 4) individual educational programs. This study is limited to the description and explanation of the local policy and practice involved in the implementation of the least restrictive environment provisions.

Small sample studies generate data that is rich in description and explanation. Analysis of two counties in implementing the least restrictive environment requirements provides valuable information in a current uncertain political climate; however, it does not necessarily reflect practices of other counties. Demographic, political, cultural, economic, and social conditions vary among counties which can influence how least restrictive environment policies are implemented. The findings of this study may provide information to other counties who are considering addressing their least restrictive environment implementation practices.

A final limitation of this study is the exclusion of parents of preschool children with disabilities. While parents are important stakeholders in early childhood special education, inclusion of them would have broadened the research beyond its intended purposes. Thus, while the importance of parental attitudes toward the least restrictive environment mandate is recognized, the study of parental attitudes must constitute a special study.

Summary

Chapter One described the problem and purpose of the study. An introduction to federal legislation from 1975 to 1997 was presented that impacts the field of special education. The least restrictive environment provision was depicted as a continuum of service options ranging from more to less restrictive placements. The structure of the Committee on Preschool Special Education was explained in terms of its regulating role in implementing the least restrictive environment and definitions of commonly used terms in special education were defined. An overview of the rationale, significance and limitation of the study was provided.

CHAPTER II

Review of Related Literature

Chapter Two provides a more thorough review of the related literature on the least restrictive environment provision of the Individuals with Disabilities Education Act. Federal and state legislation related to the provision of services to children with disabilities is discussed. Case law is reviewed with an emphasis on court decisions that established tests for determining appropriate implementation of the least restrictive environment mandate. National and state studies examining the implementation of the least restrictive provision for preschool students, as well as research specific to New York State, are included in the literature review.

Legislative Background—Federal Level

Preschool special education consists of the delivery of therapeutic and educational services to children, ages three to five, with disabilities. These services are ideally designed to provide optimum learning experiences during the critical early childhood developmental period for children with a wide range of disabilities (Reynolds & Fletcher-Janzen, 1990). Historically, intervention programs for young children with disabilities were initiated in the United States in the late 1960s. For example, an important event that stimulated the development and dissemination of "model" programs for infants and young children with disabilities was enactment, in 1968, of the Handicapped Children's Early Education Assistance Act (Safford, 1995). As a result of this legislation, which established the Handicapped Children's Early Education Program (HCEEP), a network of "First Chance" projects were established and federally funded (Reynolds & Fletcher-Janzen, 1990). Additionally, a system for identifying validated program models was implemented, and federal support for dissemination of these models was provided (Reynolds & Fletcher-Janzen, 1990).

A further influence on special education was the passage and implementation of P.L. 94-142, the Education for All Handicapped Children Act, signed into law by President Ford on November 29, 1975. The key provisions of P.L. 94-142 included the concepts of free appropriate public education, least restrictive environment, and the individualized education program. During the 1970s, Congress noted that one million children with disabilities were being entirely excluded from the public school system and more than four million children with disabilities were not receiving appropriate educational services (Pre-Institute Symposium..., 1994). The number of preschool children unserved or unidentified was not known since they were excluded from the initial school-age count.

This far reaching legislation defined what an "appropriate" education for an individual student would be through the Individualized Education Program (IEP) requirement. Furthermore, a statement of the extent to which the student participated in regular education, based on the least restrictive environment requirement, must be included on the Individualized Education Program (Safford, 1995). This least restrictive environment requirement states "that each student shall be educated to the maximum extent appropriate in regular education settings, with peers who do not have disabilities" (Safford, 1995, p. 3) with the governing objective "to the maximum extent appropriate" being education with nondisabled children (Ballard, Ramirez, & Zantal-Wiener, 1987).

Ballard et al. (1987, p. 4) emphasized that P.L. 94-142 was "not a provision for mainstreaming; the term was never used." This legislation does not abolish any particular educational environment. Least restrictive environment should not refer to location but instead, to the appropriateness or enhancement of the instruction offered if the full meaning of the law is to be understood (Stainback & Stainback, 1996). As both Turnball (1986), and Osborne and DeMattia (1994) note, determination of the least restrictive environment hinges primarily on the appropriateness of the instruction—not on proximity—that can be offered in that setting.

The Education of the Handicapped Act Amendments (P.L. 99-457) were signed into law on October 8, 1986 by President Reagan. Before the implementation of P.L. 99-457, local education agencies could, on a voluntary basis serve children within this age group. P. L. 99-457 extended all the rights and protections of P.L.94-142 to children with disabilities, ages 3 through 5, beginning in the 1990-91 school year (Ballard et al., 1987). States electing not to serve children, ages three to five, would lose their funds generated by this age group (Ballard et al., 1987; Garwood, Fewell & Neisworth, 1988).

A dramatic increase in federal fiscal contribution was authorized for this age group. A new formula grant program was established to assist states in establishing early intervention services for infants and toddlers with developmental delays, birth to two, and their families (Reynolds & Fletcher-Janzen, 1990). Special education preschool services for infants and toddlers, birth to two, fall under Part H of this act; eligible children, ages three to five, are classified under Part B, Section 619.

Finally, special education legislation was further changed on October 30, 1990 when the Education for the Handicapped Act's (formerly P.L. 94-142 and amended to P.L. 99-457) title was changed to the Individuals with Disabilities Education Act (IDEA). Safford (1995) points out that the name change, substituting "individuals with disabilities" for "handicapped children," (in P.L. 94-142) is important because it "puts the person first" (p. 3). It further acknowledges that law provides for persons into adulthood as well as for children, and reflects awareness that the degree to which a disability is a "handicap" depends on factors like discrimination, cultural stereotypes, and architectural barriers, as well as the objective condition of the individual (Safford, 1995). Thus, the Individuals with Disabilities Education Act became the law encompassing all education and early intervention services for infants, toddlers, children, and youth considered eligible based on criteria defined in the law.

The Individuals with Disabilities Education Act of 1990 directs federal funds to states for the education of children with disabilities. To qualify for funds under this Act, states must establish and follow:

> procedures to assure that, to the maximum extent appropriate, children with disabilities...are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (20 U.S.C. Section 612)(5)(A).

Under the Individuals with Disabilities Education Act, states and local school districts are mandated to provide specialized, individualized educational programs to students with disabilities. In a 1989 survey developed by Louis Harris and Associates, Inc., 94% of parents of students with disabilities agreed that services for these students had improved since the implementation of the Act (Terman, 1996).

On June 4, 1997, President Clinton signed into law the new Individuals with Disabilities Education Act (P.L. 105-17), the first major revision of the law in twenty-two years (Council for Exceptional Children, 1997). A full continuum of services for children with disabilities was maintained, while the membership of the Committee on Preschool Special Education was increased to include the child's parent and a regular classroom teacher if the child receives services in a regular education setting.

The U.S. Department of Education's *19th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*, released in December 1997, stressed the importance of providing a full continuum of services for children with disabilities. There is not a single special education setting that benefits all students and a range of options, tailored to meet the individual needs of all students, continues to be the most effective approach (U.S. Department of Education, 1997). A full continuum of services can range from less restrictive options such as therapy delivered in a regular classroom or support in a resource room to more restrictive options such as special class placements.

Public laws are enacted to carry out national policy for the benefit of individual citizens, their communities, and the nation. It has taken a long time for society to recognize that enriched early educational experiences can markedly compensate for the impact of developmental delays and disabilities on the functioning and ultimate potential of young children. Services in early childhood special education for children with disabilities have expanded and improved substantially in the past 25 years. The federal government, through legislation, regulation, and a variety of incentives, has played an integral role in this progress.

Legislative Background—State Level

In New York State, Chapter 236 of the Family Court Act was responsible for authorizing special education services for eligible preschool children birth to five until 1989. Coordinated by the County Health Department, this process involved the preparation of petitions for special education services that were forwarded to Family Court for authorization. Private preschool special providers contracted with the Health Department to deliver special education services ordered by the Court.

On July 5, 1989, the Governor of New York signed Chapter 243 of the Laws of 1989 which created Section 4410 of the Education Law related to preschool special education (VESID, July 1995). Responsibility for the provision of special education services to eligible 3 and 4-year-old children with disabilities was transferred from Family Court to local education agencies (i.e. school districts in New York State) (VESID, July 1995). This legislation was necessary to enable New York State to come into compliance with the Education of All Handicapped Children Act (P. L. 94-142). Effective, September 1989, local school districts became responsible for assuring the provision of special education services for eligible 3 to

5-year-old children. Special education services for children birth-to-three was transferred to the State Health Department.

In order to continue receiving federal monies under Part B of the Individuals with Disabilities Act, New York State, like other states, was required to have in place, by 1991, a system that guaranteed each preschool student with a disability a free appropriate public education. Consistent with the new State legislation established in 1989, the Board of Regents promulgated amendments to the Regulations of the Commissioner of Education, Part 200, to establish statewide implementation standards for preschool programs and services. It should be noted that from July 1, 1989 through June 30, 1991, services were provided to all eligible preschool children with disabilities in New York State only to the extent that programs were available (VESID, July 1995).

In the 1989 Federal Monitoring Report, based on the review of special education in New York State by the United States Department of Education, the State Education Department was cited for failure of ensuring that students with disabilities were afforded educational opportunities that included interaction with their nondisabled peers (VESID, 1994). The report also found that "a continuum of services was not available in many local school districts and regions of the state and that the federal provisions regarding least restrictive environment were not being implemented consistently across the state" (VESID, 1994, p. 4). Following the 1989 findings, the New York State Board of Regents developed a statewide action plan, referred to as the *Least Restrictive Environment Implementation Policy Paper*, that more clearly defined its position on the concept of implementation of educational services in such a setting, as well as summarizing the personnel and parent development, technical assistance, and other supports needed to implement this requirement (VESID, 1994, June 1997).

The provisions of the Individuals with Disabilities Education Act required state educational agencies to develop state policies congruent with this federal act that ensured each local educational agency implemented procedures that met the state policy. Consistent with this Act, Chapter 474 of the Laws of 1996 included an amendment requiring approved providers of special services and programs for preschool children with disabilities to submit, for the first time, business plans to the New York State Education Department by January 1, 1997. The business plan included:

> a plan for the redirection of fiscal and personnel resources toward providing special education programs and services in settings with children who do not have disabilities rather than a program or setting which includes only preschool children with disabilities (8 NYCRR 200.20)(11ii)(a).

Business plans should propose that a minimum of 25% of the program's enrollment, which includes preschool children with disabilities, be redirected over a two-year period to settings where preschool students without disabilities are typically found (VESID, October 1996). Approved business plans are reviewed every six months for a two year period to assess progress toward redirection of fiscal and personnel resources. The first review of business plans approved during July through December, 1997 was scheduled for January 1998. The impact of the business plan initiative is unclear at this time, especially in relation to the goal of increasing the number of preschool children with disabilities receiving services in settings with nondisabled peers. An analysis of approved business plans was included in the data analysis of this study.

Relevant Case Law

Since 1975, Part B of the Individuals with Disabilities Education Act required schools to consider the appropriateness of maintaining a student with a disability in a regular classroom setting with the use of supplementary aids and services before moving to more restrictive options. The law calls for a free appropriate public education in the least restrictive environment with the accommodations and supports necessary for success. The interpretation of the phrase "in the least restrictive environment" has provoked much debate in education and has been the frequent subject of litigation (Catlett & Osher, 1994, p.5).

Although it can be argued that Congress created a strong preference in favor of "mainstreaming" (Pre-Institute Symposium…., 1994), the Individuals with Disabilities Education Act does not provide a definitive test to determine whether a child is receiving an appropriate education in the least restrictive environment. It is critical to note that the least restrictive environment requirement is not a provision for mainstreaming; in fact, the term is never used (Ballard et al., 1987). Through its decisions, the Courts set out standards to guide in the judgment of whether education in the regular classroom can be achieved satisfactorily. The weight of case law reflects that the least restrictive environment mandate is secondary to the provision of appropriate services and may not be used to deny a student access to needed services (Osborne, 1992).

Beginning in the early 1980's, when the first inclusion lawsuits wound their way through the courts, judiciary decisions regarding the least restrictive environment requirement placed greater emphasis on the individual needs of students with disabilities and frequently concluded that they were not compatible with the regular education environment (Pitasky, 1996).

In contrast, Daniel R.R. v. State Board of Education, 874 F.2d. 1036 (5th Circuit 1989) helped set the framework for the flurry of pro-inclusion cases to follow in the early 1990's (Pitasky, 1996). In this case, the Fifth Circuit Court of Appeals held that a school district had not violated the "least restrictive environment provision" of the Individuals with Disabilities Education Act in removing Daniel, a 6-year-old student with Down's Syndrome who had been classified as mentally retarded, from a general education classroom to a special education classroom. The student initially attended a mainstream class; however, when this setting did not prove to be appropriate, the school moved him to a separate special education class. The student continued to be integrated with nondisabled students during nonacademic periods.

In analysis of the student's placement outside the regular classroom, the Court noted whether (1) education in the regular classroom was achieved satisfactorily with the use of supplemental aids and services, and, if not, whether the school district had (2) mainstreamed the student to the maximum extent appropriate (Osborne, 1992, 1994; Yell, 1995). Schools were not obligated to provide mainstreaming in every instance, nor were they obligated to provide every conceivable supplementary aid or service (Yell, 1995). The development of this two-part test was created to assist lower courts with least restrictive environment decisions and has become the benchmark by which other cases in the past few years have been decided.

In Daniel R.R., the court found that the school district's proposal for a substantially separate class placement did not violate the Individual with Disabilities Education Act's least restrictive environment mandate (Osborne & DiMattia, 1994). The Court found that the district had provided a continuum of educational services, provided supplementary aids, and had mainstreamed the student to the maximum extent appropriate. However, it was documented that the student was not participating in class or mastering skills, and required constant attention from the teacher and his aide. Significantly, Daniel R.R. pointed out that that it is necessary to determine whether a student will receive educational benefit from a regular class placement and if the student will understand the essential elements of the curriculum. The school has to balance the benefits of regular and special education when making this decision.

In the 1990's, inclusion took center stage in Washington and the media with growing political consciousness of the rights of the disabled (Pitasky, 1996). This inclusion movement coincided with several judicial decisions issued during the early 1990's which upheld inclusive placements. In arriving at their decisions, "the courts looked back at earlier inclusion cases, and used the foundation they established to arrive at the opposite conclusion—that regular education placements were necessary to comply with the Individuals with Disabilities Education Act's least restrictive environment requirement" (Pitasky, 1996, p. 5).

The first of two cases to be discussed that seemed to tip the scales in favor of inclusive programs is Greer v. Rome City School District, 762 F.Supp.936 (Eleventh Circuit 1991). The complaint alleged that the Individualized Education Progam (IEP) was inappropriate because it failed to provide for mainstreaming. Greer v. Rome held that the Individuals with Disabilities Education Act's presumption in favor of mainstreaming required placement of a 6-year-old child with Down's Syndrome in a general education program at her neighborhood school rather than in a separate special education class (McCarthy, 1995). The circuit court adopted the Daniel Test for determining compliance with the least restrictive environment provision and held that the school district did not comply with the first part since it failed to consider a full range of supplemental services to support the student in regular education. The school district only considered two options for placement, the regular classroom with speech therapy or a special class. The court expanded the definition of "supplemental services and services" by including the use of resource rooms and itinerant teachers (Yell, 1995).

The second case, Oberti v. Board of Education of Clemonton School District, 801 F.Supp. 1392 (Third Circuit 1993), ruled that school districts must consider the full range of supplementary aids and services that might support a child's placement in regular education before deciding to remove a student with disabilities from a regular education environment. In this case, a school district had removed an 8-year-old child with Down's Syndrome from the regular classroom and placed him in an out-of-district special education classroom. Prior to removal, the student was attending a half-day regular morning kindergarten without special supports and a half-day afternoon special class. Applying the Daniel R.R. standard, the appeals court found that the school district had not considered the appropriateness of support services in the regular classroom before removing the child (e.g. special aides, special curriculum, or behavior management plan). The appeals court found that the district "could not use the student's disruptive behavior as an excuse for placing him in a segregated setting because it had failed to provide the supplementary aids and services that may have curbed any disruption" (Osborne & DiMattia, 1994, p. 11). The court was particularly influenced by evidence that many of the techniques used in the special education class in which the student was assigned in another district could be applied within the regular classroom in the student's home district. The school district was found to be in violation of the Individuals with Disabilities Education Act for failure to meet its burden of proving that the student could not be educated in a regular classroom without supplementary aids and services (Flitter, 1994).

In a more recent case, Mavis by Mavis v. Sobol (1994), the U.S. District Court for the Northern District of New York affirmed the determination of the State Review Officer (SRO) for a regular class placement (Pitasky, 1996). After adopting the Daniel R.R./Oberti standards, the SRO ruled that a school district violated the mainstreaming requirements of the Individuals with Disabilities Education Act when it proposed to place a 14-year-old student classified as mentally retarded in a special education program without first providing the student with supplemental aids and services which might have allowed her to remain in the regular education classroom. The court reaffirmed that the measure of the appropriateness of a program is not weighed in terms of curricular success in the mainstream class, but, rather, success in meeting the goals of the Individualized Education Program. The results of this case emphasize that school districts must make reasonable attempts to serve a student with a disability in the regular classroom with supplemental aids and services. The court affirmed that the burden of proof rests on the school district to demonstrate why the student would not be appropriately placed in a regular education setting.

In another case in favor of a regular education placement, Sacramento City Unified School District v. Holland, 786 F.Supp. 875, 880 (Ninth Circuit 1994), the court ruled that the school district failed to make an adequate effort to educate an 11-year-old student who was mentally retarded in the regular classroom and that she was entitled to receive a full-time placement in a regular education classroom (Maloney & Pitasky, 1995). Although relying heavily on the Daniel and Greer decisions, "the district court devised its own standard for least restrictive environment cases and considered four factors in reaching their decision: (1) the educational benefits of a full-time regular class placement; (2) the nonacademic benefits of a regular class placement; (3) the effect a student has on the teacher and children in the class; and (4) the cost of mainstreaming" (Yell, 1995, p. 398). Since the school district was unable to demonstrate how the student's educational needs could not be met in a general education classroom, and since she did derive social benefits from the general education classroom, the district was ordered to educate the child in a general classroom setting with supplementary services. An appeal to the Ninth Circuit affirmed the district court's decision which was in favor of a regular class placement. The school district filed a petition to have the U.S. Supreme Court review the case and to clarify issues of mainstreaming and limited progress of the student. The high court denied the petition (Yell, 1995).

In contrast, M.R. v. Lincolnwood Board of Education (1994) involved the U.S. District Court for the Northern District of Illinois. The Court upheld the school district's placement of a 13 year-old student with an emotional disorder in a therapeutic day school, despite the parent's preference for a mainstreamed environment (Worona & Sokol, 1996). The students behavior in the self-contained environment with some mainstreaming had been deteriorating, and proved disruptive to the staff and other students in the class.

In McWhirt by McWhirt v. Williamson County (1994), the Sixth Circuit Court of Appeals upheld a special class placement for a 13-year-old student with moderate to severe mental disabilities, seizure disorder, and cerebral palsy (Pitasky, 1996). Although the parents sought a regular class placement, the Court agreed with the school district that the student did not benefit academically or nonacademically from a regular education placement. The student functioned at a lower level than the other students in his special class placement and did not model the positive behaviors demonstrated by more advanced students with disabilities; in addition, interactions with nondisabled peers during mainstreaming activities did not produce any significant positive modeling.

A final case, Poolaw v. Bishop (1995), involved the Ninth Circuit of the Court of Appeals. The Ninth Circuit ruled that a school district may rely upon the reports of another school district when developing its own Individual Education Program for a student with disabilities, as well as when determining whether or not to place the student in a setting other than the regular classroom, as long as the information relied upon is still relevant (Pitasky, 1996). Also noteworthy was the courts decision that it is not necessary for a school district to actually implement supplemental services previously tried unsuccessfully by another district when determining whether a more restrictive environment is necessary to address the educational needs of a student. In this case, which involved a student who was profoundly deaf and could barely read and write, the Individual with Disabilities Education Act's preference for mainstreaming was not considered an absolute mandate and a self-contained placement was considered more appropriate for this student.

Until now most of the least restrictive environment lawsuits have involved a single student. In the future, Osborne (1994) cautioned that there may be class action suits similar to those in the 1970's that provided the impetus for the passage of Individual with Disabilities Education Act (i.e. Pennsylvania Association for Retarded Children v. Commonweath of Pa., & Mills v. Board of Education). A review of case law revealed that the courts typically defer to the expertise of school practitioners regarding questions of how and where a student with disabilities is more appropriately educated. Osborne (1994, p. 550) warned that the "era of judicial restraint may be over" and that some courts are growing impatient because the least restrictive environment mandate has not been fully implemented. This could result in a trend toward "judicially ordered mainstreaming that other courts may find persuasive" (Osborne, 1994, p. 550).

Finally, Osborne (1994) argued that the current least restrictive environment situation is analogous to the racial desegregation litigation. Ten years after the Brown v. Board of Education of Topeka decision, the Supreme Court declared that enough time had passed with little progress and issued a high court order for compliance (Griffin v. County School Board). The time remaining for the provision of free appropriate education for all students with disabilities in the least restrictive environment may be nearing an end. The Supreme Court has not yet directly addressed the least restrictive environment provision of the Individuals with Disabilities Education Act, but it seems likely to do so in the near future (Pitasky, 1996). If school districts do not take the initiative to provide educational programs so that the least restrictive environment mandate can be implemented more fully under the intent of the law for all students with disabilities, they may forced to do so under court orders (Osborne, 1994; Pitasky, 1996).

The courts have had sufficient opportunity to evaluate the least restrictive environment standard. Thus far, it appears that they have closed the door to the possibility that the least restrictive environment provision requires a regular education placement in each and every instance. It is important to remember that the facts of every case are different. Given the significance attached to individual needs of the student both in the larger scheme of free appropriate public education, and more specifically in terms of the least restrictive environment analysis, the courts, as well as the U.S. Department of Education, continue to support a full continuum of service options (Council for Exceptional Children, 1997; U. S. Department of Education, 1996, 1997). Pitasky (1996, p. 27) observed that the least restrictive environment mandate is proving itself to be a "finicky creature"—making it more difficult for school districts to conform.

The process of interpreting the Individuals with Disabilities Education Act has been a slow and deliberate one and a careful study of case law during the last ten years shows that the factors weighed by the courts to determine whether inclusion is appropriate in a given situation have remained largely consistent over the years (Pitasky, 1996)—although they have been applied with varied results. During the early 1990s, the majority of pro-inclusion cases involved elementary students with mild to moderate disabilities (Yell, 1995; Pitasky, 1996). The prevailing law for this time period resulted in judicial decisions that upheld the regular education placement. During the mid-90's, cases relating to the least restrictive environment provision involved adolescents in or nearing high school with moderate to severe disabilities (Yell, 1995; Pitasky, 1996). In stark contrast to the earlier 1990 decisions, the prevailing law for this later period upheld placements other than regular education. Pitasky (1996) states that one theory to explain this outcome is that "many experts have long held that regular education may not be appropriate for students with severe and profound disabilities, and that......as a student ages, academic concerns take precedence over socialization benefits" (p. 7). A comparison of the outcomes in the cases during two time periods lends support to this theory.

If a student's age and degree of disability are significant factors for deciding educational placements in the judicial system, one may surmise that a greater number of preschool children with disabilities would be in regular education placements receiving special education services. However, since 1993, the overall percentage of preschool students with disabilities in New York State receiving services without their nondisabled peers in special class settings has remained relatively high, 78% for the 1993-94 school year, 73% for the 1994-95 school year, and 68% for the 1995-96 school year (VESID, July, 1995; U.S. Department of Education, 1996, 1997). New York State does not have a regular school placement option for preschoolers unless parents pay for private placement. Head Start and district Prekindergarten placements are available on a limited basis and not available in all areas of the state. Without a regular school placement option for preschoolers in New York State, the number of special class placements continues to be high in comparison to other states (U.S. Department of Education, 1996, 1997).

Research on Least Restrictive Environment

Professionals, parents, and researchers have become increasingly aware of the difficulties of translating policy initiatives defined in the Individuals with Disabilities Education Act into actual practice (Ballard-Campbell & Semmel, 1981; NCERI, 1997; Winton, 1990). Despite the least restrictive environment provisions in these laws, large numbers of children with disabilities continue to be served in predominantly segregated settings more than twenty-five years after the passage of influential special education legislation (Danielson & Bellamy, 1989; Terman, 1996; U.S. Department of Education, 1996, 1997; VESID, July 1995, August 1995, January 1996; July 1997).

Efficacy Research.

The research on integrated programs produced relatively clear evidence that integrated programs can benefit children with disabilities, while doing no harm to children without disabilities (Bailey & McWilliam, 1990; Guralnick, 1990, 1997; Lamorey & Bricker, 1993; Odom & McEvoy, 1988; Peck & Cooke, 1983; Strain, 1990). The Early Childhood Research Institute on Inclusion, a federally funded center, concluded after four reviews of research over the last 15 years that "children with disabilities in inclusive preschool programs make at least as much progress on standardized assessments of cognitive, language, motor and social development as children enrolled in noninclusive special education preschools" (Odom et al., 1995, p. 8). There were also positive reports as to the effects on nondisabled children. Strain (1990) reported that "normally developing children have shown only positive developmental and attitudinal outcomes from integrated experiences" (p. 292).

In a report for the President's Committee on Mental Retardation, Nisbet (1994) concluded that integration had positive effects on the social competence and interactions of preschoolers with disabilities. Findings included more time playing, interacting positively, and verbalizing with peers. Integrated and segregated settings seem to be equal in terms of measured developmental progress on standardized tests; thus, Nisbet (1994) emphasized that "any argument that segregated settings might provide more specialized and more effective interventions were not valid" (p. 153). Nisbet (1994) concluded that no negative outcomes were reported for normally developing children in integrated settings.

In an analysis of literature comparing outcomes for preschool children with disabilities in integrated and segregated settings across 22 studies, Buysse & Bailey (1993) found support for the benefits of preschool integration with respect to social and other behavioral outcomes. Exposure to normally developing children in integrated settings may be socially beneficial for some preschoolers with disabilities. Buysee & Bailey (1993) defended the frequent assertion that successful integration requires more than proximity to normally developing peers and supported earlier research that some children with moderate to severe disabilities may require active programming for social integration to occur naturally (Odom & McEvoy, 1988). Further analysis by Buysee & Bailey (1993) revealed that few studies employed a variety of outcome measures or alternate indices to document the effects of integration. Buysee & Bailey (1993) identified areas of further research and indicated that "integrated settings generally have not been shown to be detrimental with respect to developmental outcomes for preschool children with disabilities" (p. 458). However, they concluded that research needs to focus on the quality of peer interactions and how this contributes to a child's total development

There are others that support the abolishment of the continuum of services model and call for the full inclusion of all children with disabilities in the regular classroom, regardless of age or type disability (Taylor, 1988). An underlying assumption of those supporting full inclusion is that the regular classroom offers more appropriate models of behavior (Fuchs & Fuchs, 1994; Stainback & Stainback, 1996) that results in children with disabilities benefiting socially by observing the behavior of their nondisabled peers. Other researchers have pointed out that this assertion is problematic; there are no assurances that the placement of children with disabilities with their nondisabled peers will yield more favorable behaviors (MacMillan, Gresham, & Forness, 1996; Hallenbeck & Kauffman, 1995). MacMillan et al. (1996) arguing against full inclusion, pointed out that there are "certain disabilities, particularly those with emotional and behavior disorders and mental retardation, that present unique problems in regular classrooms" (p. 150). Research suggested that children having serious emotional disturbance or behavior disorders are more likely to be rejected by their nondisabled peers (Gresham, 1982; Newcomb, Bukowski, & Pattee, 1993) and that there is little evidence that implied that integration promoted beneficial modeling (Gresham, 1982; Hallenbeck & Kauffman, 1995).

MacMillan et al. (1996) emphasized that research cited by proponents of full inclusion was based primarily on preschool and primary grade children with mild to moderate disabilities. The prevailing law for the early 1990s involved similar children which often resulted in judicial decisions that upheld regular education placements. Halvorsen & Sailor (1990), two supporters of full inclusion, observed that the available research on best practices does not include children with severe disabilities or an emphasis on academic benefits to inclusion. MacMillan et al. (1996) revealed that current research does not demonstrate the efficacy of including children with more severe disabilities in regular classrooms and the benefits of full inclusion are not empirically known. At this time, research has focused on identifying the potential social outcomes for children with more severe disabilities; however, the emphasis in regular education is on academic achievement (MacMillan et al., 1996). There is a need to empirically test the effects of inclusion for children with and without disabilities of different ages and disability types. Supporters of full inclusion advocate that all students with disabilities benefit from placement in age-appropriate regular classes; however, the courts continue to emphasize individual student differences and a continuum service model for determining a free, appropriate public education (Pitasky, 1996).

Although the efficacy and effectiveness of early intervention is supported in research (Guralnick, 1997; Krauss, 1997; Peck, Furman, & Helmstetter, 1993; Odom et al., 1995) and policy (CEC Division for Early Childhood, 1993; Council of Administrators of Special Education, 1997; National Parent Network on Disabilities, 1993; United Cerebral Palsy Associations, 1993), there is limited implementation of early intervention services in New York State to support the education of 3-to-5-year old children with and without disabilities in the same classroom (VESID, July, August 1995). The awareness of potential positive outcomes and knowledge of relevant processes for achieving these outcomes has been insufficient to promote widespread and systematic changes in actual practice (National Association of State Boards of Education, 1992; McLean & Cripe, 1997). One reason for this in New York State may be the limited access to regular preschool education due to the short supply of public prekindergarten programs (Silver & Sanders, 1997; DiCaprio, 1997).

Peck et al., (1993) hypothesized that the relative lack of systematic study of the actual implementation of integrated early childhood programs may reflect the assumption that programs that produce desirable outcomes for children will be implemented and maintained on their pedagogical merits. However, Peck et al. (1993) concluded that this assumption is problematic. Some model demonstration programs for preschool children with and without disabilities were successful at the level of child behavior change, but not successfully maintained (Peck et al., 1989;

Barber, Barber & Clark, 1983). More direct study of the problems of implementation is clearly needed.

National Studies.

Research on a 5-year federally funded project by Smith & Rose (1991) focused on identifying national and state policy incentives and disincentives for the development of integrated programs. Through survey, respondents were asked if the following specific policy areas served as disincentives to mainstreaming in their state or community:(1) public school accountability for program standards and supervision; (2) fiscal and contracting procedures; (3) transportation polices; (4) use of private or non-public school agencies; (5) conflicting policies (e.g. eligibility, due process); (6) personnel policies; (7) curricula or methods requirements; and (8) values or attitudes (Smith & Rose, 1991).

Results indicated that substantial barriers to integration are perceived by state and local special education administrators. Specifically, survey respondents most often cited two policy barriers to placing preschool children with disabilities into mainstream settings for special education: (1) policies for meeting the P.L. 94-142 requirement that services meet state special education standards, especially personnel requirements (59.1%), and the related requirement of supervision by the education agency (33.1%); and (2) values and attitudes related to mainstreaming practice (57.9%) (Smith & Rose, 1991). In further analysis of attitudinal data, respondents from various groups had similar concerns in the areas of turf issues, teacher preparedness, awareness, "someone will lose" feeling, and the lack of communication, collaboration and respect (Smith & Rose, 1991). One of the greatest challenges to preschool mainstreaming efforts will be changing perceptions that are inaccurate about children with disabilities.

In order to gain a better understanding of the disincentives and discover possible remedies, Rose & Smith (1992) conducted 21 case studies: 6 at the state level (state special education preschool coordinators) and 15 at the local level (local public school administrators or preschool coordinators) to study the interplay between state and local policies and experiences. Rose & Smith (1992) concluded that virtually no state or local policy originally identified as a barrier was found after analysis, to, in fact, serve as a barrier. Many of the administrators surveyed cited numerous examples of how policy disincentives, initially thought of as barriers, were remedied in their state. For example, to address the personnel standard barrier, which ensures that personnel providing the special education and related service meet special education standards, two options cited were: (1) providing incentives for underqualified teachers to upgrade their credentials and (2) developing state education personnel standards that create new (or recognize others) credentials generic to early childhood settings (Rose & Smith, 1992).

Results of the 5-year study also indicated that segregated environments were not found to have superior results for developmental outcomes, that frequent interaction among children with and without disabilities is needed for positive social outcomes to occur, and that parents want their children to be with nondisabled children (Rose & Smith, 1992; Smith & Rose,1994). Although research and best practice indicates that special education for preschool children with disabilities can be more effective if provided in appropriate mainstream settings—such as Head

Start, nursery school (Strain, 1990; Guralnick, 1990)—public policies can serve as disincentives or barriers to personnel implementing such practices (Smith & Rose, 1994). In New York State, a large percentage of preschoolers may not be in child care settings since public prekindergarten is not offered universally. With such a program, more parents may choose to send their preschooler to a public preschool setting allowing for greater opportunities for children with and without disabilities to be educated in the same setting.

Another national study also focused on the extent of preschool mainstreaming over a 5-year period by randomly surveying general early childhood educators in such settings as Head Start or child care facility. Wolery et al. (1993) found that 74.2% of the general early childhood programs surveyed reported enrolling at least one child with a diagnosed disability. Although this data indicated that a large percentage of preschool children with disabilities received services in regular education settings, the most frequently reported diagnostic category was speech and language impairments, often considered a milder disability. The severity of disability seems to be an important factor that influences the implementation of the least restrictive environment provision. Their research also indicated that the percentage of mainstreamed programs increased over the five years studied, as well as the percentage of respondents indicating that they enrolled more children with varying disabilities. In summary, these findings suggest that preschool mainstreaming is beginning to be more widely adopted by the nation's preschool programs, and that young children with various disabilities are beginning to be accepted into these regular education settings.

A final national policy study identified the factors which supported the implementation of the least restrictive environment in 6 states and 12 local school districts during 1989-1992 (Hasazi, Johnston, Liggett, & Schattman, 1994). The 18 sites were categorized as "high or low users" of separate facilities for educating students with disabilities. Although this study focused on school-age students with disabilities, it contributed to greater understanding of the factors which facilitated implementation of the least restrictive environment provision. A fourteen item interview protocol was developed to explore factors that contribute to the shaping of a state's or district's approach to the implementation of the least restrictive environment requirement. Results of the interviews showed that six factors influenced the implementation of the least restrictive environment: (1) finance; (2) multiple layers of government; (3) advocacy; (4) policy implementors; (5) knowledge and values; and (6) state/local context (i.e. political culture).

Specifically, finance emerged as the most important factor influencing implementation. As districts moved toward educating students with disabilities in regular education settings, additional resources, particularly during the early stages, were viewed as critical to successful implementation. Implementation was also dependent upon a second factor, multiple layers of government, that, closely aligned with the categorical-funding structure, separated special education from regular education. Special education was viewed in high-user sites as a separate, categorical organizational system causing some districts to keep students with disabilities in separate programs and facilities to receive necessary financial support. By contrast, low-user sites generally held a more liberal view of finance and organization allowing for more flexibility in pushing the system to do what they wanted.

In 1995, the National Center on Educational Restructuring and Inclusion (NCERI) conducted a survey of 891 districts in all 50 states to identify the key factors related to inclusive education practices. Although this study was not specifically focused on preschool special education, results contributed to the understanding of factors that supported children with and without disabilities being educated together. Results indicated that the number of school districts reporting inclusive education practices "increased significantly since 1994 and that students with a wider range of disabilities were involved in these programs" (NCERI, 1995, p. 3). Staff attitudes about inclusive education, a key factor, varied widely—from being the initiators of inclusive programs to opposition—with most districts reporting a positive change in attitudes over time. (NCERI, 1995). Overall, the study found that there was no single or even general pattern of initiating inclusive programs in local school districts. Rather, programs were initiated and sustained on the interests of individuals and groups.

Single-State Studies.

A single-state study investigated the concerns related to the initial development of integrated preschool programs in three local communities in Washington State (Peck, Hayden, Wandschneider, Peterson, & Richarz, 1989a). Utilizing interview and participant observation strategies, their study revealed three major types of concerns about integration. First, almost all of the parents, teachers, and administrators interviewed were concerned about the adequacy of the resources available to support an integrated program. Second, adequate preparation for integration (e.g., staff training, logistical planning) was of concern. A final concern was the potential for conflict among the individuals and groups involved in integration (e.g. turf issues, value differences). The identification of these concerns led to a better appreciation of the fact that established local programs represent the dynamic outcomes of a great deal of active but informal negotiation among administrators, teachers, and parents (Peck et al., 1989). This local perspective identified political, rather than pedagogical, sources of resistance to integration.

In another single-state study, Barnett & Frede (1993) described research of local implementation of early childhood policies, including those for young children with disabilities, in Massachusetts. By surveying all eligible local education agencies (LEA) (N = 310), their results revealed important variations in the areas of (1) integration; (2) duration and frequency of services; (3) staff-child ratios; (4) teacher qualifications, and (5) other aspects of policy implementation. Specifically, local education agencies reported serving 15,318 students aged three-to-four, including 9,627 children with disabilities. A large percentage of children with disabilities received classroom-based services (70%) while a much smaller percentage of children received related services (24%). Most of the classroom-based services were located in elementary schools (52%), while others were located in early childhood centers (23%), middle and high schools (12%), and separate special education facilities (9%). In analysis of the types of classrooms provided, 66% of local education agencies served preschool children with disabilities in integrated settings. However, 57% of the eligible children were served in separate, segregated settings.

One finding suggested that staff attitudes and beliefs may hinder integration efforts. Barnett & Frede (1993, p. 408) suggested that "the importance that many local education agency staff attribute to severity of disability, language ability, and needs for therapy may indicate that many believe that children are less effectively served in integrated settings or that the efficacy of integrated placements declines as the severity of disability increases." In analysis of court cases related to the least restrictive environment, Pitasky (1996) observed that the degree of disability is a significant factor for deciding educational placements in the judicial system. The Massachusetts study demonstrated that values and beliefs are powerful barriers that can prevent successful efforts to integrate preschool children with and without disabilities, even when research indicates otherwise.

New York State Studies and Reports.

The pendulum has currently shifted in New York State from a concern about improving the quality of services to a greater interest in the costs associated with early childhood special education (Petri, 1997; Reed, 1996). In June 1992, the New York State Association of Counties issued a report about the "rapidly increasing costs of the preschool [special education] program and the high proportion of children receiving full-time center-based services rather than less expensive part-time itinerant services" (McCall, 1994, p. 2). One of the Association's recommendations was enforcing the least restrictive environment requirements.

In 1994, an audit for the period of July 1, 1990 through June 30, 1992 was conducted by the New York State Office of the Comptroller of the State Education Department's management and oversight of the Preschool Handicapped Education Program (McCall, 1994). After legislation assigned responsibility for 3-5 year old children to school districts in 1989, New York's growth continued to increase (VESID, July 1995). This audit raised concern about the rate of growth in the preschool special education program since the number of preschool children receiving services doubled in one year since the 1989-90 school year (McCall, 1994). However, from 1993-94 to 1995-96, the rate of growth each year in New York State for students with disabilities ages 3-5 and 6-21 was commensurate, 9% and 9.5% respectively (U. S. Department of Education, 1996; 1997).

The audit also raised concern about the high costs of the preschool special education program (McCall, 1994). Program costs totaled $298 million for the 26,950 children enrolled statewide in the program during the 1990-91 fiscal year. This represented a cost increase of about $121 million or 68% from the prior year, attributed mostly to the 55% increase in the number preschool children with disabilities enrolled. This audit showed that a large proportion of preschool children were placed in high cost, center-based programs (McCall, 1994). Specifically, 24,816 children were enrolled in center-based preschool programs, at an average cost of $11,849 per pupil.

In contrast, only 2,134 children received itinerant services outside of center-based programs, at an average cost of $1,628 per pupil. At the time of the audit, preschool children were classified using a system of 13 handicapping conditions (e.g.

speech impaired, learning disabled, etc.). The audit showed that a high percentage of preschool students were classified as speech impaired, 58%, 62%, and 63%, respectively for the 1989-90, 1990-91, and 1991-92 school years (McCall, 1994). If preschool children classified as speech impaired received center-based and itinerant services in the same proportions as school-aged children for the 3-year time period, the audit estimated a potential cost savings (in millions) of $42, $67, and $64 respectively for the 1989-90, 1990-91, and 1991-92 school years (McCall, 1994). However, using the classification of speech-impaired was preferred and considered less stigmatizing than others, such as emotionally disturbed or mentally retarded, for use with preschoolers. The number of students with a speech-impaired classification was high, but may be misleading since preschoolers with greater educational needs often had this label.

Although the audit purported to be comprehensive, it was criticized for incomplete information, inaccuracies and methodology concerns (McCall, 1994—Appendix, A; The New York State Alliance for Children, 1994). However, the audit provided an initial analysis of how preschool children were being served in New York State following legislation in 1989 that transferred responsibility of the preschool special education program from the Family Court system to the school districts. Overall, the audit concluded that increases in enrollment and costs were attributable to weaknesses in the design, implementation and administration of the preschool program (McCall, 1994). Two recommendations from the audit related to the least restrictive environment mandate were: (a) providing school districts with technical assistance to ensure that related services, a less restrictive option, is sufficiently considered before placing children in center-based programs; and (b) recommending that the State Education Department develop formal program guidelines which minimize the potential for and effect of the conflict-of-interest that exists for service providers who serve also as evaluators of preschool children (McCall, 1994).

In 1995, the New York State Education Department submitted three reports to the Board of Regents that provided information on the state's preschool special education system (VESID, July, August, November, 1995). In comparison of the types of programs and services provided to preschool students with disabilities for the 1992-93 and 1993-94 school year, the following trends were noted. In 1992-93, 84% of services were provided in special classes, the most restrictive option, whereas, in 1993-94, 78% of services were provided in such placements. Comparing 1992-93 to 1993-94, the overall percentage of students receiving related services increased from 12% to 17%, a less restrictive option (VESID, August 30, 1995). The total cost for the preschool program increased 159% from the 1989-90 to 1993-94 fiscal years (VESID, July 1995). Several goals were suggested for systemic reform of the preschool special education system. Three focused specifically on increasing services in the least restrictive environment: (1) establishing a system-wide goals to increase the provision of services in integrated settings; (2) increasing the number of students who receive related services in natural environments (e.g. home, child care facility, Head Start); and (3) assisting center-based programs to phase out their commitment to maintaining large, segregated facilities (VESID, November 1995).

In November, 1995, the Developmental Disabilities Planning Council (DDPC) selected the National Center on Educational Restructuring and Inclusion (NCERI) to evaluate the DDPC Systems Change grants in the area of inclusive early children services in New York State. DDPC funded fourteen grants to support inclusive early childhood projects. Grantees included such programs as school districts, B.O.C.E.S., parent groups, and private not-for-profit early childhood programs. The goal of the grant project was to develop materials for parents, policymakers, and providers, based upon the experiences of DDPC-funded projects, that would promote the development of integrated early childhood programs (NCERI, 1997). Through a series of Regional Focus Groups and surveys, integrated early childhood education in New York State was reviewed and project staff from the Systems Change grants helped to identify the "lessons learned" from the fourteen projects.

Analysis of the barriers to inclusive programming identified by the 14 grant projects were in the areas of funding, training, attitudes, and lack of regional model programs. Recommendations to overcome these barriers to the implementation of services in the least restrictive environment included (a) provision of staff training of special and regular education staff, (b) working with legislators to increase funding for preschool programs toward universal programs for 3 and 4-year olds, (c) building administrative commitment to provide inclusive services, (d) coordination among all player to support inclusive program placements, (e) increasing opportunities for integration by providing more program models, and (f) using a funding formulae to promote inclusive programming (NCERI, 1997).

More recently, the 1996-97 New York State executive budget included several proposals that would substantially change the mandated preschool program for children with disabilities. Five areas of the budget related to preschool special education faced potential changes—fiscal responsibility, rate setting, speech eligibility standards, summer eligibility, and changing the composition of the Committee on Preschool Special Education. Shifting 20% of the preschool special education costs from municipalities to local school districts received considerable attention (Reed, 1996; Petri, 1997). While the governor of New York proposed the shift in preschool costs for evaluations and transportation, the State Education Department called for a gradual but total phase-out of the counties' fiscal responsibility over the next three years. Both sides agreed that the oversight of educational services for preschool children with disabilities rests more appropriately with local school districts and the State Education Department (Reed, 1996). However, the Legislature rejected the governor's proposal to link the preschool program's fiscal and programmatic functions to school districts who would assume the cost and administration of transportation and evaluations (New York State Association of Counties, 1997). Counties remain fiscally responsible 40.1% of the costs associated with the preschool special education program.

Chapter 474 of the Laws of 1996 stated that the Committee on Preschool Special Education must consider the appropriateness of special education services in the least restrictive environment to meet the child's needs (VESID, September 1996). The law emphasized this direction by rank-ordering preschool special education service options from least to most restrictive (e.g. related services to full-day centerbased program), as well as mandating that a committee's recommendation include a statement of the reasons why less restrictive options were not recommended.

To minimize the potential for conflict-of-interest of evaluators, cited as a recommendation from the 1994 audit, Chapter 474 of the Laws of 1996 required that the evaluation summary report, prepared by the evaluator, exclude statements on the type, frequency, and duration of special services and the program needed (VESID, September 1996). Previously, evaluators included such recommendations in the summary report form. The new legislation does not address what information can be included on the actual evaluation report. Therefore, evaluators could, if they chose, include recommendations in the full evaluation document, but not on the summary report. The Committee on Preschool Special Education may, at its own discretion, also obtain a second evaluation if the committee is considering placing a child in an approved program of the agency that conducted the evaluation (VESID, September 1996).

In a 1997 follow-up report to the Chancellor of the University of the State of New York, the Office of the State Comptroller found that recent legislative changes to the Education Law in 1996 have helped to improve the implementation and administration of the preschool special education program. However, the effect on program costs is not known because most of the legislative changes were not in effect until the 1996-97 fiscal year (Hancox, 1997).

The political question as to whether "mainstreaming works" at the early childhood level has been answered: "perhaps the most significant achievement in the field of early childhood mainstreaming in the 1980s has been the repeated demonstration that mainstreamed programs can be implemented effectively" (Guralnick, 1990, p. 3). This review of the related literature revealed that study of smaller, local studies of preschool special education policy implementation is needed. Therefore, it is important to obtain a clear picture of local implementation of early childhood special education, as well as identify the factors that support implementation in relation to state and federal mandates.

Summary

Chapter Two discussed the historical background of federal and state legislative mandates for the provision of services to children with disabilities. A review of federal and New York State case law were discussed as they relate to the implementation of the least restrictive environment provision. A review of literature supporting the efficacy of providing services in the least restrictive environment was presented. A review of national and single-state studies, including New York State, of the implementation of the least restrictive environment requirement was discussed.

CHAPTER III

Methodology

Chapter Three describes the methodology used in this study. The study sample, instrumentation, data collection procedures, and data analysis related to local implementation of early childhood special education in New York State are discussed. Results of a pilot study that led to the development of a thirteen item structured interview protocol are discussed. Controlling for validity and reliability threats are also explained.

Study Sample

The research design of this study is a descriptive, exploratory policy analysis to identify factors that affect the implementation of the least restrictive environment requirements for preschool children with disabilities. The target population for this study was upstate-metropolitan counties in New York State. Two criteria were used in selecting the study sample. The first criteria determined the type of county selected from a typology of New York State Counties. Eberts (1994) typology was used since it analyzed changes in demographic structures over a 40-year time period both for individual and groups of counties in New York State from 1950 to 1990. According to Eberts (1994), a good typology "groups New York State counties into sets where each grouping is very similar to each other, but where each classification of counties shows clear differences from every other combination" (p.7). Using four criteria: (a) population size, (b) percent commuting outside county to work, (c) percent rural population, and (d) population of largest place, Eberts classified the 62 counties in New York State according to six county types. Eberts' (1994) six county types are (a) downstate-metropolitan, (b) upstate-metropolitan, (c) rural-urban-suburban, (d) rural-urban, (e) rural-suburban, and (f) rural-periphery (more remote rural counties). The data collection phase of this study involved conducting in-person interviews; therefore, the county type, upstate-metropolitan, was selected to accommodate travel constraints. Table 2 depicts the characteristics of the nine upstate-metropolitan counties selected as the sampling frame.

Including all nine upstate-metropolitan counties in the interview phase was beyond the scope of this study. Therefore, a second criteria was used to select two of the nine upstate-metropolitan counties as the study sample. Using Statistical Profiles of Public New York School Districts, four of the nine counties were selected that had more than a total of 12 school districts per county and more than one "other city school district" (New York: The State of Learning, February 1996, p. v). One county was used for a pilot study of the interview protocol. Of the remaining counties, two bordered each other so were selected for study. The remaining county was excluded since it did not border any of the counties. The characteristics of the two counties selected for this study, hereafter referred to as County A and B, are depicted in Table 3.

Once the two upstate-metropolitan counties were identified, the following four groups within each county were selected for interviews: (a) Chairpersons of the Committee on Preschool Special Education (CPSE), (b) Preschool Special Education Program Directors, (c) County Representatives, and (d) Head Start Program Directors. These four groups were selected to be consistent with the membership requirements of the Committee on Preschool Special Education following the

Table 2

Characteristics of New York State Counties Classified According to Eberts' 1990 County Typology

County Type: Upstate-Metropolitan

County Name	Population Size	Percent Commuting Outside to Work	Percent Rural Population	Population of Largest Place
#1	292,594	15.0	14.5	101,082
#2	212,160	7.1	28.6	53,008
#3	259,462	23.2	43.5	28,844
#4	968,532	5.3	11.4	328,123
#5	713,968	3.3	11.2	231,636
#6	220,756	26.7	28.6	61,840
#7	250,836	9.9	35.0	68,637
#8	468,973	5.1	16.7	163,860
#9	307,647	33.1	41.1	26,454

Data Source:
Eberts, P. R. (1994). Socioeconomic Trends in New York State: 1950-1990, Second Edition. Albany, NY: New York State Legislative Commission on Rural Resources.

Table 3

Characteristics of Two Upstate-Metropolitan Counties

	County A	County B
Number of Other City School* Districts	2	3
Number of Suburban* Districts	11	14
Total Number of School Districts:	13	17
Population Size	259,462	307,647
Percent Commuting Outside County to Work	23.3	33.1
Percent Rural Population	43.5	41.1
Population of Largest Place	28,844	26,454

Terms defined:

- * Other City Districts: other districts that are located within city boundaries.
- * Suburban Districts: districts located within Standard Metropolitan Statistical Areas but not within cities.

Data Sources:

Eberts, P. R. (1994). Socioeconomic Trends in New York State: 1950-1990, Second Edition. New York State Legislative Commission on Rural Resources: New York.

New York: The State of Learning. (February, 1996). A Report to the Governor and the Legislature on the Educational Status of the State's Schools. The University of the State of New York/The State Education Department: New York.

reauthorization of the Individuals with Disabilities Act. Two of the groups selected, committee chairpersons and county representatives, did not change with the reauthorization of the Individuals with Disabilities Act. However, the committee membership was changed to include a professional who participated in the evaluation of the child and either a special education teacher or special education provider During the pilot study, it was evident that special education teachers employed by the school district were infrequent members of the Committee on Preschool Special Education. In addition, all preschool evaluators in County A and B were also special education program providers. Therefore, only one group, preschool special education program directors, was selected to meet the membership criteria of an evaluation representative and special education teacher. A new mandated member of the committee following the reauthorization was a regular education teacher if the child was, or may be, participating in the regular education environment. Head Start Program Directors were selected to represent this group since both County A and B have Head Start programs operating in the county. The parent member of the committee was not included and is considered a separate study.

This study used a small sample which is appropriate when using in-depth interviews (Borg & Gall, 1989); all subjects in each of the four groups were included. Table 4 illustrates the size of the sample and the percentage of the sample that participated in this study. In County A, one preschool special education program director did not participate due to an increased workload following the closing of their preschool program. Two school districts in County A did not participate; one for unknown reasons although several follow-up telephone calls were made to the superintendent's office and the other because the district was in the process of a bond referendum which involved substantial time of the special education department and the Committee on Preschool Special Education chairperson was newly hired. All preschool special education directors in County B participated; one was excluded due to unique circumstances that could have compromised the confidentiality of the program. All but one of the school districts

Table 4

Sample Size and Participation Rate for County A and B

	Sample Size		**Participation Rate**	
	County A	County B	County A	County B
CPSE Chairpersons	13	17	11/13, 85%	15/17, 88%
Preschool Special Education Program Directors	6	6	5/6, 83%	5/6, 83%
CPSE County Representative	1	1	1/1, 100%	1/1, 100%
Head Start Directors	2	2	2/2, 100%	2/2, 100%
TOTALS	22	26	19/22, 86%	23/26,88%

in County B participated. One did not participate since the district was initiating an efficiency study which would occupy much of the Committee on Preschool Special Education chairperson's time and the other was excluded due to unique circumstances that could have compromised the confidentiality of the school district.

Instrumentation

Interviews are often used in policy implementation studies to understand a respondents' knowledge with the issues under study. The interview can explore factors that contribute to the shaping of an organization's approach to the implementation of a policy (McLaughlin, 1987; Noel & Fuller, 1985; Pressman & Wildavsky, 1984; Sabatier & Mazmanian, 1979; Turnball et al.,1983). Interviews allow the subjects to convey to others their situation from their own perspectives and in their own words. Researchers have emphasized that, due to time limitations and the desirability to obtain the same depth of information from each respondent interviewed, a standardized open-ended or semi-structured interview format is preferred (Kvale, 1996; LeCompte & Preissle, 1993; Patton, 1990; Sproull, 1995). This interview format has the advantage of being reasonably objective by asking the same question of each respondent while still permitting a more thorough understanding of the respondent's opinions and the reasons behind them (Borg & Gall, 1989; Patton, 1990). This process reduces interview effects and ensures that the data is collected systematically from each respondent (Kvale,1996). The wording of open-ended questions, with an emphasis on minimizing predetermined responses, allows the respondent to freely respond, with the interviewer using specific types of questions (e.g. probing) to elicit more detailed responses when necessary (Kvale, 1996; Seidman, 1991).

Of the four types of interviews (informal conversation, interview guide, standardized open-ended interview, and closed response interview), the open-ended format was selected since the same information from each person interviewed was preferred increasing the comparability of responses (Patton, 1990). The other three interview formats may inadvertently omit important topics, collect different information by asking different questions, or limit the depth of responses (Patton, 1990).

The interview protocol, comprised of fourteen questions, was adapted with permission from a national qualitative policy study conducted by Hasazi et al., (1994) that identified factors that supported the implementation of the least restrictive environment provision over a three-year time period. Although the national study focused on school-age students with disabilities, this interview protocol was selected since the questions were easily adaptable for preschool students with disabilities.

Pilot Study

Before the interview phase, a pilot study was conducted to assess any flaws in the questions or its administration with one of the four upstate-metropolitan counties initially selected during the sampling phase. The participants of the pilot study were two Committee on Preschool Special Education chairpersons, two preschool special education program directors, one County representative, and one Head Start director. Three changes to the interview protocol were made following the pilot study.

First, two questions were omitted from the original interview protocol. One question was omitted since it overlapped with another question resulting in redundancy. The original interview protocol included two separate questions regarding the influence of litigation and due process on the policy and practice related to the implementation of the least restrictive environment provision. The participants consistently discussed the influence of litigation when asked the question about due process. Although the participants felt that litigation was a large part of due process, they felt that it encompassed much more in terms of parental rights of students with disabilities. All of the participants commented that the question regarding litigation was redundant since it overlapped with due process. Therefore, the question pertaining to litigation was omitted from the final interview protocol. A second question was omitted that was only applicable for interviews with state personnel. The question pertained to the influence of federal policy on the implementation of the least restrictive environment at the state level. Since this study does not include interviews at the state level, it was omitted from the final interview protocol.

Second, one question was added to gather more information about perceived preschool placements. When participants were asked to explain their definition of the least restrictive environment, they consistently described the placement of preschool children with disabilities in their geographical area. Since placement data from the New York State Education Department was presented for each county, one question to the interview protocol was added to collect qualitative data on the perception of preschool placements of the four groups included for interviews. The additional question, "How are preschool children with disabilities served in your area", will contribute to answering the first research question, describing the profile of local implementation.

Third, two questions were reworded to clarify the meaning of those questions. One question, defining least restrictive environment, was reworded so that responses could be specific to preschool children. Some of the participants had two separate definitions of the least restrictive environment for preschool and school-age children, while others had definitions applicable for any child. To account for this difference, the question was reworded so that a general or specific definition could be given. Once a definition of the least restrictive environment was given, the respondent was then asked if their definition applied for preschool children with disabilities. The last two participants in the pilot study were asked the reworded question and commented that it allowed them to respond either generally or specific, depending on their definition of least restrictive environment. The other question reworded involved the influence of the educational delivery system on the implementation of the least restrictive environment. The question was worded generally and the participants required extensive explanation before responding. To minimize the confusion, the question was reworded to reflect the preschool educational delivery system in New York State: "How does the organization of the educational delivery system between school district, county, and preschool provider influence the implementation of the least restrictive environment?"

Half of the participants in the pilot study agreed to tape recording of the interviews and the remaining three interviews were conducted using extensive notetaking during the interview and immediately following. Four of the interviews were in-person and two were telephone interviews. Once the pilot study was completed and changes made accordingly to the interview questions, the final interview protocol consisted of thirteen questions. Figure 4 outlines the final interview instrument. The first two questions gathered information about the understanding of the definition of the least restrictive environment and how preschool children with disabilities were placed in accordance with this provision. Questions three through five represented the federal-state-local context and its influence on the implementation of the least restrictive environment. Question six identified how finance influenced implementation. Questions seven through ten reflected how factors such as advocacy, due process, higher education, and values and beliefs influenced the implementation of the least restrictive environment. Questions 11 and 12 identified local and state implementors associated with the implementation of the least restrictive environment. The last question allowed the

Figure 4. Interview Protocol

1. What is your understanding of the definition of Least Restrictive Environment(LRE)? Would your definition of LRE also apply for preschool children with disabilities?
2. How are preschool children with disabilities served in your area?
3. How does state and federal policy influence the implementation of least restrictive environment at the local school district level?
4. Are there any state or local educational reform efforts going on in your area that are influencing the implementation of least restrictive environment?
5. How does the organization of the educational delivery system between school district, county, and preschool provider influence the implementation of least restrictive environment?
6. How does the cost factor influence the implementation of least restrictive environment?
7. What influence has advocacy had related to the policy and practice of least restrictive environment?
8. What influence has due process had on the policy and practice related to the least restrictive environment?
9. What influence has higher education had on the implementation of least restrictive environment?
10. How do values and beliefs influence the implementation of the least restrictive environment?
11. How do teachers, administrators, school boards, community members, and/or parents influence the implementation of the least restrictive environment?
12. Who are the individuals strongly identified with the implementation of least restrictive environment at the state/local level? What has been their contribution?
13. Are there other factors we have not mentioned that you see as being influential in shaping the least restrictive environment policy and practice in your area?

respondent to identify any factors not mentioned that influenced the implementation of the least restrictive environment in their area. This information will be used to identify the factors that either facilitated or constrained implementation of the least restrictive environment within the two counties.

Data Collection Procedures

Triangulation, using several different kinds of data-collection strategies, was used to contribute to the confidence in the research findings of the interviews. This research strategy reduces the risk of systematic biases by relying on one specific method and allows a better assessment of the generality of the explanations that are developed (Kvale, 1996; Maxwell, 1996; Patton, 1990). Specifically, this study relied on triangulation of methods to compare data collected through interviews and state reports.

The New York State Education Department collects placement data from school districts for children with disabilities ages 3-21. Three reports were available for this study (PD-4, PD-7 and STAC reports); however, only the PD-4 report was selected since it has consistently collected preschool placement data since the 1994 school year. Collected annually from each school district in a report, *PD-4—Public School District, State-Operated School, State Agency, and Article 81 School Report: Number of Students with Disabilities Provided Special Education in Regular School-Based Programs and in Separate Settings,* placement information for students ages 3-21 in seven educational settings is provided (VESID, October, 1997). An analysis of the PD-4 reports for the 1994-95, 1995-96, and 1996-97 school years was conducted to answer the first research question, description of a profile of local implementation in two counties.

A new report, *PD-7—Public School District Report: Preschool Special Education Programs and Services for Students with Disabilities,* was developed by the New York State Education Department beginning with the time period of September 1, 1996 to June 30, 1997 (VESID, March, 1997). It lists and categorizes the number of preschool students according to twelve types of special education programs or services. Although this newer placement data report was more descriptive than the PD-4 report, the PD-7 report was not selected since it was only available for one year included in this study, 1996-97. In addition, analysis of preschool data from the STAC Unit (System to Track and Account for Children) at the New York State Education Department was also not included since the department is undergoing a major redesign effort to more efficiently and accurately collect and process financial claims and provide reliable and timely information to users (VESID, April, 1996).

Descriptive information collected through the 13 item interview protocol was used to answer the second research question, identification of factors that either facilitated or constrained implementation of the least restrictive environment mandates within two counties. A review of business plans that preschool special education programs submitted to the New York State Education Department in accordance to Chapter 474 of the Laws of 1996 was also conducted.

Variation in local progress toward implementation of the least restrictive environment, the final research question, was determined by comparing interview responses in both counties. A cross-case analysis of the four interview groups was conducted to identify similarities and differences in the influence of the identified factors. Finally, interview responses of the four groups across professions was conducted.

Interview Procedures

Interviews were conducted individually during September, 1997 to December, 1997 at the respondent's workplace or on the telephone. A letter of introduction was sent to each participant in June, 1997 (see Appendix A, sample introduction letter). Permission for participation of Chairpersons of the Committee on Preschool Special Education was obtained through the Superintendent's office. Follow-up telephone calls were made to confirm participation, offer further information as needed, and to arrange the date and time of the interview. A consent form was developed to ensure the protection of human subjects which described the purpose of the study, the right of subjects to give or withhold their consent to participate, and respect for subjects' privacy through use of a coding system (see Appendix B, Consent Form). Each interview was prefaced with a brief explanation of the research purpose, assurances for protection of respondent's identity, and a description of how the interaction was expected to proceed (Lofland & Lofland, 1984).

Three procedures for recording data available to the participant during the interview phase were (a) use of a tape recorder, (b) extensive note taking, and (c) recording notes immediately after the interview (Kvale, 1996). The participant was asked which of the three formats was preferred and informed consent forms were obtained accordingly for use in each interview. Many of the participants preferred the interviews to be conducted before or after work hours and on the week-ends. Since the participants were at home during these times, a choice of conducting a telephone interview was offered. Of the 42 interviews, 38 (90%) were conducted by telephone; 77% in County A and 81% in County B. Equal numbers of participants were tape recorded with one declining in each county. Equal numbers of in-person interviews were conducted; two in each of the county.

Validity and Reliability

Validity and reliability must be considered when selecting data collection procedures. Validity refers to the "extent to which an empirical measure adequately reflects the real meaning of the concept under consideration" (Babbie, 1995, p. 127). Maxwell (1996) used validity in a more straightforward way to refer to the "correctness or credibility of a description, conclusion, explanation, or interpretation" (p. 87). Reliability refers to the "extent to which studies can be replicated" (LeCompte & Preissle, 1993). This study was designed to collect data from the participants themselves using semi-structured interviews.

Validity is generally acknowledged to be a key issue in qualitative research designs (Maxwell, 1996). To control for inaccuracies or incompleteness of data, tape recording of the interviews, as well as verbatim transcriptions from the taped interviews, was used whenever possible. Patton (1990) found that full transcriptions of interviews were the most desirable data to gather since the raw data of interviews were direct quotations from the participants. Detailed note taking supplemented this strategy; this was especially important when the use of a tape recorder was not granted.

The influence of the researcher on the setting or individuals studied, referred to as reactivity, is a powerful and inescapable influence in the interview situation (Maxwell, 1996). To control for this bias, it is important to understand how the interviewer is influencing what the participant says, and how this affects the validity of the inferences drawn from the interview (Mishler, 1986). The pilot study was conducted in a county where the researcher was a chairperson of the Committee on Preschool Special Education and interacted on a regular basis with the participants. An interview script was prepared in advance which included probing questions. This strategy ensured that the interview was administered in a consistent manner which minimized any influence on the participants' responses. In addition, two of the interviews were conducted by telephone, a less personal approach than face-to-face, which can reduce researcher bias.

A final method used to minimize validity threats was triangulation of methods. Fielding and Fielding (1986) point out that triangulation does not automatically increase validity and emphasized that interviews, questionnaires, and documents are all vulnerable to self-report bias. A review of Business Plans, which are written by preschool special education programs, were selected for analysis since they undergo extensive review by several members of the Preschool Unit in the New York State Education Department. Although data included on the PD-4 reports does not undergo an extensive review for accuracy by the New York State Education

Department and are self-reported by school districts, this is the only placement data available for each year included in the study.

Reliability assumes that a researcher using the same methods can obtain the same results as those of a prior study. Lincoln & Guba (1985) assert that reliability is a "precondition for validity; an unreliable measure cannot be valid (p. 292). Claiming reliability for qualitative design is further complicated by the nature of the data and research process (LeCompte & Preissle, 1993). Reliability depends on the potential for subsequent researchers to reconstruct original analytic strategies. Using a software program to analyze data will aid in establishing the external credibility and reliability of the researcher's efforts.

Problems of internal reliability raise the question of whether multiple observers would agree about what happened (LeCompte & Preissle, 1993). Once the interview data was analyzed and a coding system developed, two raters in the field of education were selected to analyze 10% of the interview content to determine whether there was a high degree of interrater reliability. To ensure a degree of consistency in the coding process, a goal of 85% agreement among the researcher and two raters was established as a criterion for determining reliability. If this threshold was not met, the two raters and researcher would review all of the data and discuss any discrepancies and changes to the coding system needed until the 85% agreement was reached.

Data Analysis

The purpose of this study was to compare local response to the implementation of the least restrictive environment provision for preschool children with disabilities. Patton (1990) emphasized that qualitative analysis depends on presenting solid descriptive data, often called "thick description" (Denzin, 1989), in such a way that others reading the results can understand and draw their own interpretations. Three strategies were used for analyzing the interviews. First, a case analysis of County A and B was conducted. Patton (1990) asserts that it is appropriate to begin with case studies where variations in individuals or groups of people are the primary unit of analysis. The analysis began with a construction of a case record for each county by condensing, organizing, and classifying the raw data for each of the four interview groups. Factors that influenced the implementation of the least restrictive environment were presented and a case study narrative for each county was presented.

Second, cross-case analysis was used to analyze interview responses. Answers to each of the thirteen interview questions were grouped together and patterns of responses were analyzed for each of the four interview groups. For example, what are the patterns of responses between all chairpersons and preschool program directors for each of the thirteen questions? A description of variations in responses between the four interview groups for each question was presented.

The final strategy for analyzing interviews was cross-county analysis with a comparison of each of the four interview groups across professions. For example, what are the patterns of responses between the chairpersons of County A and B regarding cost factors? How do county representatives in County A and B view the influence of state policy in the implementation of the least restrictive environment mandates.

Content analysis, "the process of identifying, coding, and categorizing the primary patterns in the data" (Patton, 1990, p. 381), was used to analyze the content of the raw data for case studies and cross-case comparison. Classifying the 1:1 interviews for content analysis facilitated the search for patterns and themes within a particular question, group, or across cases. In this study, the QSR NUD-IST, version 3.O (for Non-numerical, Unstructured Data Indexing, Searching and Theorizing) software program was used to assist with the mechanical task involved in coding the interview data and sorting the coded sections (Replee Pty Ltd, 1994), . This computer program was designed for the storage, coding, retrieval, and analysis of text, and was selected for this study because it was, conceptually, one of the best, thought-out programs for code-and-retrieve work (Weitzman & Mile, 1995). The code-and-retrieve method, considered the most widely recommended technique for management of rich and complex records (Denzin & Lincoln, 1994), was used to develop a classification system. The code-and-retrieve process consisted of labeling numbered passages of the data according to what they are about or other content of interest in them (coding or in NUD.IST terminology, indexing), and providing a way of collecting labeled passages (retrieving). The labeled passages or units, comprised of one sentence or an entire paragraph, were the smallest piece of information which could stand on their own (Lincoln & Guba, 1985). Using QSR NUD-IST, version 3.0, codes and references were kept in an index system designed for the creation and manipulation of concepts, and for storing and exploring emerging ideas. The *nodes* of the index system, where indexing is kept, was organized into hierarchies, or *trees*, to represent the organization of concepts into categories and subcategories, a taxonomy of concepts and index codes. Conceptually, the index system is comprised of code words identified at nodes, considered the branch points in the tree, and sample text assigned to each code word. This analytical process helps to organize the raw data allowing the researcher to tell the story of the qualitative data (Patton, 1990). The analyses of this study are important research tasks leading to a greater understanding of the people studied. This information, along with a discussion of the business plans and preschool placement data, will provide a strong background for the discussion of policy implementation of the least restrictive environment requirement at the local level.

Summary

Chapter Three described the methodology used in this study. The study sample, instrumentation, data collection procedures, and data analysis were explained. Controlling for threats to validity and reliability was also discussed. Two upstate metropolitan counties in New York State were selected for the study. Following a pilot study, a thirteen item structured interview protocol was developed which was administered to four stakeholder groups in each county (CPSE Chairpersons, Preschool Special Education Directors, CPSE County Representatives, and Head Start Directors). Using QSR NUD-IST, version 3.0, case-study, cross-county, and cross-case analyses were conducted.

CHAPTER IV

Data Analysis and Results

Using an adapted (Hasazi et al., 1994) interview protocol, this study compared local responses to the implementation of the least restrictive environment provision for preschool children with disabilities within two selected counties in New York State during the 1994-95, 1995-96, and 1996-97 school years. Qualitative analysis was used to contextually analyze the interview responses. The two counties served as the unit of analysis and commonalties and differences among the two counties were analyzed to determine patterns among the responses of the four groups of interviewees.

This chapter reviews the development of the coding scheme and the findings derived from analyzing thirty-eight interviews. Characteristics of two counties selected for study are described. Specific data on county A and B are derived from the New York State Municipal Profiles (Hornor, 1994) and Socioeconomic Trends in New York State: 1950-1990 (Eberts, 1994). The three research questions that guided this study served as a framework for presenting research findings. First, patterns of local implementation of early children special education are presented using placement data from PD-4 reports provided by the New York State Education Department for the 1994-95, 1995-96, and 1996-97 school years. Second, results from the interviews with the four groups in each county are presented to identify the factors that either facilitated or constrained implementation of the least restrictive environment mandates. Third, a comparison of county A and B and cross-case analysis is presented. An analysis for each of the four stakeholder groups is presented to determine the extent, if any, of variation in local progress toward implementation of the least restrictive policy.

Analysis of Interview Data

The QSR NUD-IST, version 3.0, computer program (Replee Pty Ltd., 1994) was used to assist with the mechanical task involved in coding the interview data. The interviews resulted in 192 pages of verbatim transcriptions with an average of five pages per interview. The analysis of the data, following procedures suggested by Patton (1990), included coding and developing themes, using the process of content analysis, "the process of identifying, coding, and categorizing the primary patterns in the data" (p. 381). The computer program was used to assist with the arrangement of codes into hierarchical structured "trees". First, the computer program numbered each line of the verbatim transcripts. Next, an "index tree" was developed by reviewing each line of the transcript and developing code words to label sections of the transcript which reflected units or themes. The unit may be an entire paragraph or just one sentence; it is the smallest piece of information that can stand on its own (Lincoln & Guba, 1985). For example, one topic on the interview protocol was the influence of finance on the implementation of the least restrictive environment. As each transcript was reviewed, any statement referring to the influence of finance became a unit or theme. Another coding example, state policy (coded as STPOLICY), identified units that referred to the influence of state policy in the implementation of the least restrictive environment. As each new unit emerged, phrases or statements were assigned a code in the index system. Definitions of new codes were created and some previous units were recoded to reflect new meanings. Table 5 provides several examples of the codes (referred to nodes of the index system), including their meaning and sample units assigned to that code word.

Once the all the units were coded, the entire coding system was reviewed to determine if all possible units were included, if there was any overlap in categories, or if there was a relationship among the categories (Lincoln & Guba, 1985; Patton, 1990). Once the coding system was developed, segments of data were marked by attaching code words to those segments, and data were searched by retrieving and collecting all segments identified by the same code or by some combination of code words. Refer to Figure 5 which lists the final coding scheme that consisted of 12 major codes and 26 sub-codes.

To ensure a degree of consistency in the coding process, two raters in the field of education were selected to analyze 10% of the interview transcriptions to determine whether there was a high degree of interrater reliability. One rater had a background in research methods and extensive experience in the field of preschool special education. The other rater had a background in research methods and experience in policy development in education. Transcriptions from the pilot study were used to train the raters in understanding the coding system. Once the two raters reached 85% agreement in coding passages from the pilot study, they independently analyzed a random selection of 10% of the interview transcriptions, approximately 20 pages. A goal of 85% agreement among the researcher and two raters was established as a criterion for determining reliability. If this threshold was not met, the two raters and researcher would review all of the data and discuss any

Table 5

Code Words with their Meaning and Sample Units

Code Word (Node)	Meaning	Sample Unit
FINANCE	issues related to cost	The county has a profound effect because they pay the bill and have a tremendous impact on how programs are implemented at the local level.
STPOLICY	influence of New York State Policy in implementing least restrictive environment	The legislation from the New York State Education Department is so clear that the school districts must place children in the least restrictive setting and that there must be a continuum of service options in place.
ORGCPSE	factors related to the structure of the Committee on Preschool Special Education	Preschool Special Education is really a different culture. You have county government dealing with private providers and school districts. It is really a different set of rules.
DUEPR	how due process safeguards influence least restrictive environment	I have never had to go to a due process hearing at the preschool level. Any hearings I've been involved with have been with school-age students. We work very hard in our district with the parents to work as a team.
HIGHED	influence of undergraduate and graduate programs	I feel that Higher Education is being led and not doing the leading. Programs are fractionalized and divisive. The teachers are not being properly trained to handle kids in regular education.
ADVOC	influence of advocacy	I don't think advocacy has any influence on LRE at the preschool level. Advocacy in itself can be good and bad. I've met some wonderful advocates and some that were adversarial.

Figure 5. Coding Scheme for Interviews

Major Codes	Subcodes
Definition of Least Restrictive Environment	Placement
Educational Policy	State Policy, Federal Policy
Finance	Economic level of parents, Transportation, Technology, Space, Accessibility
Organizational structure of the Committee on Preschool Special Education	Role of the evaluator, Role of the chairperson, Role of the county representative, Decision making processes
Advocacy	Role of physicians, Parent role
Higher Education	
Values and Beliefs	Teacher values, Parent values
Due Process	Litigation
Parents	
Preschool provider	Special Education provider, Community based provider (e.g. Head Start, nursery school)
Administrators	
Preschool Teachers	Special education teachers, Regular education teachers
Local Context	Board of Education; Community; Demographics
State context	State Education Department Personnel, SETRIC personnel

discrepancies and changes to the coding system needed until the 85% agreement was reached. However, this procedure was not needed since the two raters reached a 90% level of agreement in coding 10% of the interview data.

Once the coding system was considered reliable, analysis of the interview data revealed that the interviewees identified three factors that influenced the implementation of the least restrictive mandates. These factors were state policy, finance, and the organization of the Committee on Preschool Special Education. Before analyzing these three factors, a description of County A and B, including placement data was described.

Description of County A

County A is located in eastern New York and is described as an "average-sized upstate metropolitan county" (Eberts, 1994, p. 196). In 1990, its total population of 259,462 was relatively rural, with 43.5 percent living in places of less than 2,500 people. Between 1980 and 1990, the population of County A increased 6%, gaining about 14,400 people. Moreover, between 1980 and 1990 the number of jobs grew by over 22,000. In 1990, the population density was 323 persons per square mile and the largest city had a population of 29,000. Just over 23 percent of its work force commuted outside the county for employment. The manufacturing economic base was slightly above average for upstate-metropolitan counties, and almost stable, with 23 percent of the 1990 work force in manufacturing. The total civilian labor force numbered 133,544 people. The number of employed person sixteen years and older by occupation was as follows: (a) 42,155 (32%) managers and professionals, (b) 40,635 (30%) technicians, sales, and administrative supports,

(c) 16,840 (13%) service occupations, (d) 1,865 (1%) farmers, fishing, and forestry, (e) 13,612 (10%) precision production, craft, and repair, (f) 12,818 (9%) operators, fabricators, and laborers, and (g) 6,590 (5%) self-employed.

In 1990, about 39 percent of residents over 25 years of age had some college background, somewhat higher than the average for comparable upstate counties. The unemployment rate was 4.2%, below average for other upstate metropolitan counties. The median family income was $49,305 and the poverty rate (5%) was comparatively low.

There were 40,791 students enrolled in the public school system with an average per pupil expenditure of $9,240, ranging from $6,797 to $11,597. There were six state approved special education preschool programs that served 2% of New York State's identified preschool students, 565, 543, and 565 preschool students with disabilities during the 1994-95, 1995-96, and 1996-97 school years respectively.

Description of County B

County B is located in eastern New York and is described as "slightly below average in size for an upstate metropolitan county" (Eberts, 1994, p. 208). In 1990, its total population of 307,640 was largely urban, with 58.9 percent living in places of more than 2,500 people. Between 1980 and 1990, the population of County B increased 16%, gaining about 48,000 people. Moreover, between 1980 and 1990 the number of jobs grew by over 37,500. In 1990, the population density was 376 persons per square mile and the largest city had a population of 26,500. Just over 33 percent of its work force commuted outside the county for employment. The manufacturing economic base was small but stable for upstate-metropolitan counties, with 15.1 percent of the 1990 work force in manufacturing. The total civilian labor force numbered 150,001 people. The number of employed person sixteen years and older by occupation was as follows: (a) 38,886 (26%) managers and professionals, (b) 44,071 (30%) technicians, sales, and administrative supports, (c) 19,506 (13%) service occupations, (d) 2,740 (2%) farmers, fishing, and forestry, (e) 17,118 (11%) precision production, craft, and repair, (f) 19,094 (13%) operators, fabricators, and laborers, and (g) 8,068 (5%) self-employed.

In 1990, about 33 percent of residents over 25 years of age had some college background, a percentage somewhat lower than the average for comparable upstate counties. The unemployment rate was 5.7%, average for other upstate metropolitan counties. The median family income was $44,039 and the poverty rate (8.3%) was below average.

There were 54,479 students enrolled in the public school system with an average per pupil expenditure of $10,042, ranging from $6,950 to $18,532. There were six state approved special education preschool programs that served 2% of New York State's identified preschool students, 570, 601, and 608 preschool students with disabilities during the 1994-95, 1995-96, and 1996-97 school years respectively.

Research Question #1: What was the profile of local implementation of early childhood special education in two selected counties within New York State.

Answering the first research question to describe the profile of local implementation in two counties involved two steps. The first step gathered perceptions of service delivery of preschool special education by asking the four stakeholder groups in each county the second interview question, "How are preschool children with disabilities served in your area?" The interviews were conducted during September through December, 1997, one year following the1996 legislative changes affecting special education in New York State. The second step was analysis of placement data reported by school districts in both counties and submitted annually to the New York State Education Department.

County A—perceptions of preschool placements as reported by interviewees

In County A, 72% of the interviewees commented on the dramatic change in the delivery of services for preschool children with disabilities over the last three years. Many of the interviewees noted the influential affect that the Laws of 1996 had on special education programming. Specifically, 45% of the Committee on Preschool Special Education Chairpersons, and 100% of the three remaining interview groups specifically discussed the impact of the 1996 legislation on preschool special services. The remaining 55% of the Chairpersons discussed the impact of state policy on the preschool delivery system but did not reference specific state policy initiatives. The county representative displayed several charts that depicted the changes in preschool special education services since 1990 in County A, with a dramatic shift from predominantly special classes to less restrictive options, such as half-day integrated special classes and related services delivered in the home or child care facility. In 1990, 97% of preschool children with disabilities were placed in special classes, a more restrictive option on the continuum. Other less restrictive options, such as related services delivered in the home or child care facility or special classes in integrated settings, were not widespread in the early 1990's. In fact, none of the preschool providers had special classes in integrated settings during that time period. The most prevalent option available was special classes. The county representative stated,

> [in 1990], the preschool legislation did not even allow you to have individual services. Until the 1996 legislation, it was all words [referring to the Least Restrictive Environment policy papers from the State Education Department]. The 1996 legislation was what saved us because, at the county, we have been able to rally the system. The [school] districts and the [preschool] providers got together to say here's the new law. How are we going to implement them in our community?

The charts developed by the county representative demonstrated that, in 1996, 50% of preschool children with disabilities were placed in integrated special classes or receiving related services in the home or child care facility. These charts supported the observation expressed by all interviewees that preschool children with disabilities currently receive services in a variety of settings, with an emphasis on the delivery of special education services in settings including children without disabilities.

Twenty years ago, County A had a total of three preschool special education providers that were spread out geographically. Each provider specialized in servicing a specific disability in special education classroom settings, such as preschool students with speech and language delays, behavioral needs, or physical disabilities. Presently, there are six preschool providers of special education programs spread out geographically while specializing in servicing a specific disability in classroom settings. However, there is a greater emphasis on collaboration with Head Start Centers and child care facilities. At the end of the

1996-97 school year, two of the six preschool special education providers in County A closed, leaving a total of four providers to service preschool children with disabilities in classroom settings.

A representative from one of the preschool providers who recently closed participated in the study. Over the past ten years, the provider has averaged twenty preschool students with a disability enrolled in full-day special classes per year. However, during the 1996-97 school year, the enrollment had decreased to 7 preschool students. The provider described the program as "small" in a geographical area that was "more rural". The provider viewed the 1996 legislative changes as a major factor in their decision to close. The law emphasized half-day programs which halved the rate of compensation. As a result, a considerable loss was projected for the 1997-98 school year. With a gradual decline in referrals from the Committee on Preschool Special Education over the last several years, the provider was unable to cover costs of the preschool program. "We are a stand alone operation, not like some of the other [preschool] providers who operate several different types of programs or are part of a larger organization." The county representative observed that the 7 children served by this provider were absorbed by other preschool providers who serviced the children in integrated special classes or within a nursery school setting that they operated.

The other preschool program that closed was a public intermediate school district that did not participate in the study due to an increased workload following the closing. Other interviewees, however, gave their reasons for the closing.

One chairperson described the program as a "medium-sized player". It operated full-day special classes for preschool students with disabilities on a campus setting that also housed school-age special education classes. Three chairpersons, one Head Start director, and the county representative attributed the closing to cost issues. Within the last year, the preschool program had undergone a management change with a greater emphasis on cost. One chairperson observed the new management as primarily focused on how the preschool program could "increase the dollars coming into their agency." Increasing student enrollment was one mechanism for achieving this goal and this chairperson looked closely at the initial evaluations completed by this agency. The chairperson remarked,

> We have to develop a trust with evaluators since we [school districts] so not evaluate the preschool children. This agency began to put such a spin on their evaluations that it was hard for committees to deny services for the preschool child they evaluated. It was hard to consider these evaluations as independent and I began to stop referring parents to this agency for initial evaluations.

Another chairperson and the county representative viewed the cost issues associated with contracts of teachers employed by the public intermediate school district. The contracts allowed more senior staff the option to select classes to teach. When the preschool classes opened, more experienced, senior staff, who had higher salaries, chose to teach these classes. The compensation for the preschool special education program did not cover the costs of the program that included higher teacher salaries. Each year, the program reported a loss.

One chairperson observed that the preschool special education system is predominantly a private enterprise with the majority of programs operated by private agencies. In County A, the only public program was the public intermediate school district which operated preschool special education classes. The chairperson commented that she would have felt more comfortable dealing with the public intermediate school district rather than the private preschool providers. This would have resulted in a more equal playing field between a public school district and public preschool provider. The closing of the public intermediate school district's preschool program results in an unequal playing field in County A between public school districts and private preschool providers.

Another chairperson noted that the Commissioner of Education had targeted this public intermediate school district as needing to provide less restrictive options since they were considered to be too segregated, offering a majority of services on a campus setting away from the students without disabilities. The chairperson suggested that there was a "push to have the program decentralized by offering them rented district space." There were state financial incentives for school districts to build additional space and include some of it for this public provider.

The remaining four preschool special education programs continue to offer a continuum of service options, with an increased emphasis on half-day programming in integrated settings and related services delivered in the home or child care facility. County A has two large early childhood centers with multiple service providers that provide special education preschool classes next to or in Head Start and nursery school classes.

County A—analysis of PD-4 placement data

An analysis of PD-4 reports—*Public School District, State-Operated School, State Agency, and Article 81 School Report: Number of Students with Disabilities Provided Special Education in Regular School-Based Programs and in Separate Settings,* for the 1994-95 and 1995-96 school years was conducted to also answer the first research question, description of a profile of local implementation in two counties. These school district annual reports provide placement information for students ages 3-21 in seven educational settings.

A comparison of responses to the second interview question, "How are preschool children with disabilities served in your area?", and PD-4 data indicated that all interviewees had an accurate profile of preschool special education placements in their county during 1994-1997. Table 6 depicts preschool placements in seven settings for the 1994-95, 1995-96, and 1996-97 school years. Data for each school district, as well as county totals were provided. County and statewide data were also compared.

The total number of preschool students reported to be receiving services on December 1 of 1994-95, 1995-96, and 1996-97 in County A remained fairly constant, with twenty-two less students in the 1995-96 school year. As Table 6 indicates, early childhood setting (setting 1) refers to preschool children with disabilities who received all of their special education and related services in programs designed primarily for children without disabilities (e.g. Head Start Center, child care facility, prekindergarten class, approved special education class in an integrated setting). The percentage of students in early childhood settings (setting 1),

Table 6

PD-4 Preschool Placement Data for County A for the 1994-97 School Years

COUNTY A 1994-95 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	4%	36%	14%	32%	6%	0%	8%	66
2	0%	27%	13%	0%	58%	0%	2%	60
3	44%	56%	0%	0%	0%	0%	0%	18
4	0%	62%	19%	0%	0%	0%	19%	70
5	0%	0%	15%	0%	8%	0%	77%	13
6	0%	100%	0%	0%	0%	0%	0%	9
7	25%	42%	0%	0%	0%	0%	33%	12
8	3%	30%	0%	0%	63%	0%	4%	108
9	0%	59%	14%	0%	27%	0%	0%	29
10	33%	59%	8%	0%	0%	0%	0%	12
11	0%	54%	8%	0%	0%	0%	38%	13
12	19%	70%	11%	0%	0%	0%	0%	155
13	--	--	--	--	--	--	--	--
County Totals	11%	50%	8%	3%	13%	0%	15%	565
Statewide Totals	18%	39%	5.5%	1%	4%	.5%	33%	28242

COUNTY A 1995-96 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	2%	30%	23%	24%	0%	0%	21%	92
2	0%	91%	9%	0%	0%	0%	0%	67
3	18%	70%	12%	0%	0%	0%	0%	17
4	0%	74%	1%	16%	8%	0%	1%	73
5	0%	0%	25%	0%	17%	0%	58%	12
6	0%	100%	0%	0%	0%	0%	0%	12
7	14%	29%	0%	0%	0%	0%	57%	7
8	37%	56%	2%	1%	0%	0%	4%	87
9	22%	72%	6%	0%	0%	0%	0%	18
10	15%	54%	31%	0%	0%	0%	0%	13
11	10%	80%	0%	0%	0%	0%	10%	20
12	0%	66%	18%	0%	16%	0%	0%	121
13	25%	50%	25%	0%	0%	0%	0%	4
County Totals	11%	59%	12%	3%	3%	0%	12%	543
Statewide Totals	22%	29%	7%	1%	3%	0%	38%	31533

Table 6 continued.

PD-4 Preschool Placement Data for County A for the 1994-97 School Years

COUNTY A 1996-97 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	9%	51%	28%	0%	0%	0%	12%	92
2	0%	86%	2%	10%	0%	0%	2%	56
3	69%	33%	0%	0%	0%	0%	0%	15
4	88%	9%	3%	0%	0%	0%	0%	77
5	0%	0%	14%	0%	0%	0%	86%	7
6	0%	84%	0%	8%	0%	0%	8%	13
7	11%	33%	0%	0%	0%	0%	56%	9
8	43%	39%	0%	0%	0%	0%	18%	82
9	41%	55%	4%	0%	0%	0%	0%	22
10	31%	63%	0%	0%	0%	0%	6%	16
11	0%	52%	0%	0%	43%	0%	5%	21
12	8%	68%	23%	0%	0%	0%	1%	146
13	22%	56%	0%	0%	22%	0%	0%	9
County Totals	27%	52%	11%	1%	2%	0%	7%	565
Statewide Totals	24%	36%	9%	1%	4%	0%	26%	32364

Notes for Tables 6.

Data are reported as a round-off percentage of the total preschoolers for each school district in settings 1-7 on December 1 for a given school year. Total (last column) refers to the number of preschool children with disabilities in a given school year. County totals refer to County A data and statewide total refer to aggregate data of preschool students with disabilities in New York State.

School District #13 in County A did not report any preschool data for the 1994-95 school year.

Settings 1-7 are defined as follows for preschool children with disabilities in New York State:

1 = Early Childhood setting—refers to preschool children with disabilities who received all of their special education and related services in programs designed primarily for children without disabilities (e.g. Head Start Center, child care facility, Prekindergarten class, approved special education class in an integrated setting);

2 = Early Childhood Special Education setting—refers to preschool children with disabilities who received their special and related services in programs designed primarily for children with disabilities housed in regular school buildings or other community based settings (e.g. special education classes in regular public school buildings, special education classes in child care facilities or other community based settings);

3 = Home—refers to preschool children with disabilities who received their special education itinerant teacher services and/or related services in the principle residence of the child's family or caregiver;

4 = Itinerant Services Outside of the Home, in a Hospital—refers to preschool children with disabilities who receive all of their special education and related services at a hospital for a short period of time, up to 3 hours per week on an outpatient basis;

Notes for Table 6 continued.
5 = Part-Time Early Childhood Setting/Part-Time Early Childhood Special Education setting—refers to preschool children with disabilities who received services in multiple settings, such that: 1) a portion of their special education and related services are provided at home or in programs designed primarily for children without disabilities (e.g. Head Start Center, child care facility, Prekindergarten), and 2) the remainder of their special education and related services are provided in programs designed primarily for children with disabilities (e.g. separate special education class, residential facility).
6 = Residential Facility—refers to preschool children with disabilities who received all of their special education and related services in publicly or privately operated residential schools on an in-patient basis.
7 = Separate School—refers to preschool children with disabilities who received all of their special education and related services in educational programs in public or private day schools specifically for children with disabilities.

Aggregate data for Settings 1, 3, 4, and 5 are used to calculate the percentage of preschool children with disabilities who receive educational services with non-disabled children.

Source for Table 6:
VESID, (March, 1995). The Consolidated Special Education Performance Report for 1993-94. Albany, New York: The State Education Department.

VESID (May, 1997). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1995-96. Albany, NY: The State Education Department.

VESID (in press). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1996-97. Albany, NY: The State Education Department.

considered a less restrictive option, increased in County A from 11% in 1994-95 and 1995-96 to 27% in the 1996-97 school year. For each of the three school years, the school districts that reported percentages of students in early childhood settings (setting 1) that exceeded the county average ranged from 19% to 44%, 18% to 37%, and 31% to 88%, respectively.

School district 3 was the only district who exceeded the county average for setting 1 (early childhood setting) for each of the three school years with 44%, 18%, and 69% respectively . During the interviews, the Chairperson of school district 3 indicated that they were "a tiny, rural town" with the majority of preschool students with disabilities enrolled in half-day special classes in an integrated setting.

Separate schools (setting 7), considered a more restrictive option than early childhood settings (setting 1), refers to preschool children with disabilities who received all of their special education and related services in educational programs in public or private day schools specifically for children with disabilities. The percentage of students in separate schools (setting 7) decreased consistently in County A for the three year period, 15%, 12% and 7% respectively. For each of the three school years, the percentage of students in separate school settings that exceeded the county average ranged from 19% to 77%, 21% to 58%, and 12% to 86% respectively.

School district 7 was the only district who exceeded the county average for placing students in separate schools (setting 7) for each of the three school years with 33%, 57%, and 56% respectively . During the interviews, the Chairperson of school district 7 indicated that they were a small, rural town with fewer preschool options available. Geographically, the chairperson observed that it was more difficult to find related service providers that would travel to the school district to service preschool children with disabilities in their home or nursery school setting. This resulted in a greater percentage of preschool children with disabilities placed in more restrictive settings.

Several school districts in County A were considered less rural than school districts' 3 and 7 and had more service delivery options available in their area. Size, geographical location, and service delivery options, however, are not factors that inhibited placements in less restrictive environments in the rest of the sample. Although school district 7 has less than 15 preschool students identified each year, many other small school districts had none or low percentages of students in separate schools (setting 7), a more restrictive option. Two school districts that served larger numbers of preschool students with disabilities, 8 and 12, also served none or low percentages of students in separate schools. In general, the size of a school district also did not appear to influence placements in more restrictive settings in every case.

Overall, during the three school years, placements in less restrictive settings increased in County A while placements in more restrictive placements decreased. Early childhood special education setting (setting 2), refers to preschool children with disabilities who received their special and related services in programs designed primarily for children with disabilities housed in regular school buildings or other community based settings. Although preschool students with disabilities in this setting may have the opportunity to integrate with their non-disabled peers, it is not guaranteed and, therefore, considered a more restrictive option. When the New York State Education calculates the percentage of preschool students in integrated settings, students in early childhood special education settings (setting 2) are excluded. As table 6 indicates, placements in early childhood special education settings (setting 2) were over 50% during the three years while placements in separate schools (setting 7) steadily decreased each year. The county representative described that many of the preschool providers are housed in early childhood settings with Head Start, nursery school, and daycare classes. Although the county representative indicated that there was integration of preschool children with and without disabilities in these settings, it was done on an informal basis that was not captured in data submitted to *the New York State Education Department.*

Comparison of County A and Statewide Data

In comparison of County A and statewide for the three years, Figure 6 demonstrates that there were similarities and differences. For the 1994-95 school year, rank ordering showed that County A and statewide placements were somewhat similar (settings 2, 7, 5, 1 and settings 2, 7, 1, 3 respectively). The majority of placements in 1994-95 were in more restrictive settings, early childhood special education settings (setting 2) and separate schools (setting 7). Rank ordering of county and statewide data in 1995-96 showed that only early childhood settings (setting 1) matched which was ranked third (settings 2, 3-7, 1, 4-5 and 7, 2, 1, 3 respectively). However, further analysis indicated that the four rankings were similar with more restrictive settings (settings 2 and 7) ranked first or second and less restrictive settings (settings 3, 1, 4-5 and 1, 3) ranked second, third, or fourth. Rank ordering of county and statewide data in 1996-97 showed that only the first setting matched (settings 2, 1, 3, 7 and 2, 7, 1, 3 respectively), early childhood special education (setting 2). Ranking of statewide data was identical for the 1994-95 and 1996-97 school years (settings 2, 7, 1, 3). Placements in more restrictive settings continued to be predominant two years later in New York State.

Figure 6 showed that, during the three years, County A exceeded the statewide average for related services in the home (setting 3), itinerant services outside of the home, in a hospital (setting 4) and part-time early childhood setting (setting 5), less restrictive options. County A only had a lower percentage in early

Figure 6. Comparison of PD-4 Data for County A and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

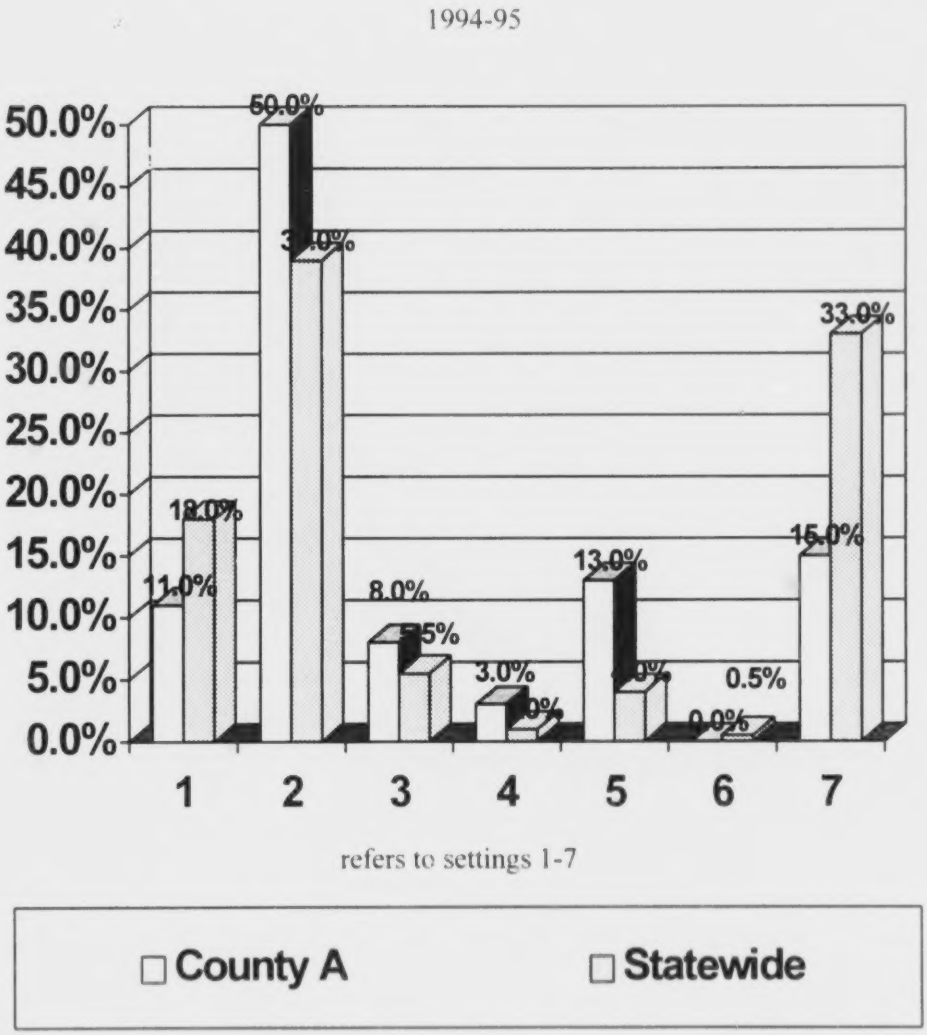


Figure 6. Comparison of PD-4 Data for County A and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

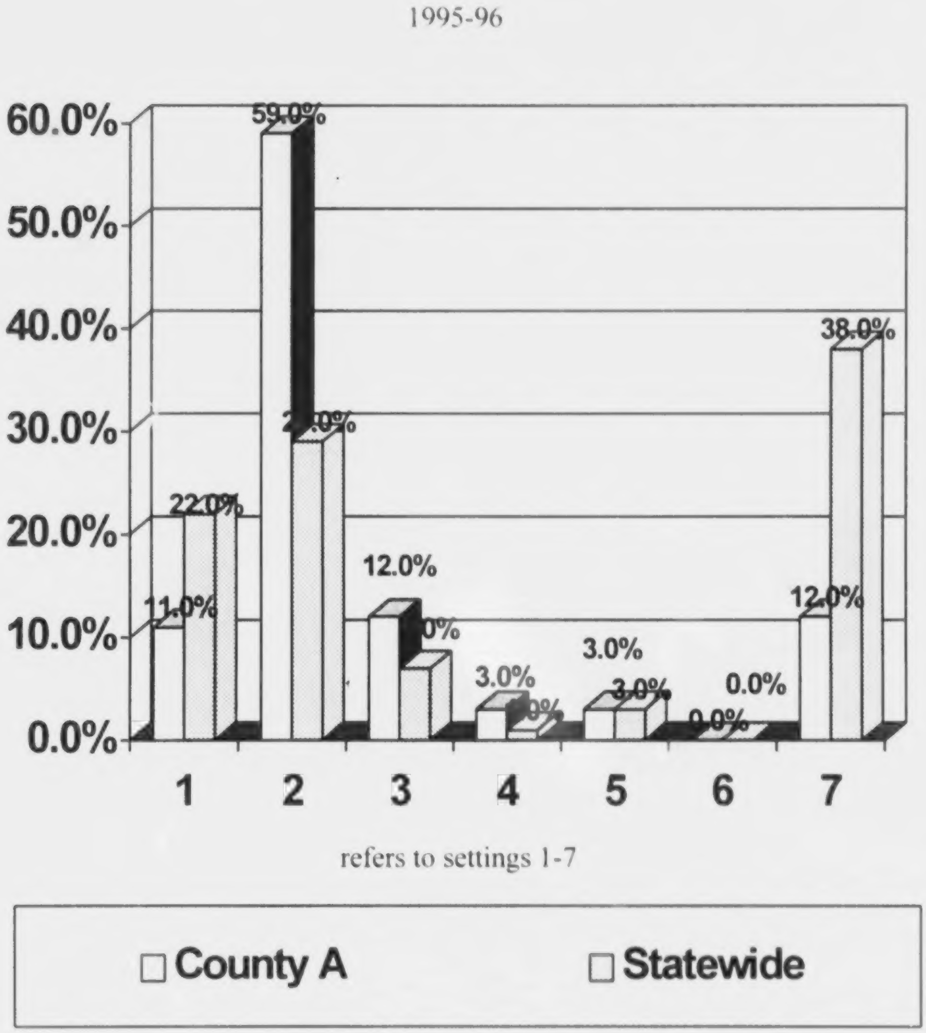
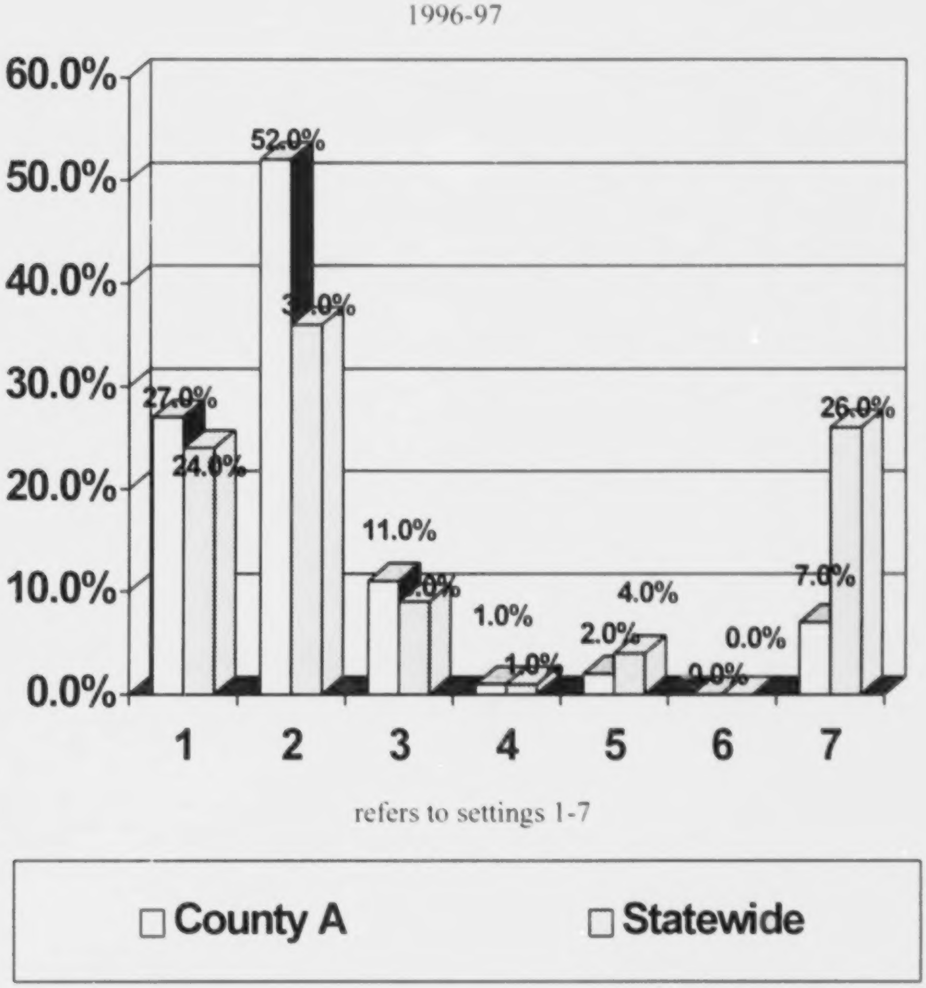


Figure 6. Comparison of PD-4 Data for County A and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).



Notes:
Settings 1-7 are defined as follows: 1=Early Childhood Setting; 2=Early Childhood Special Education Setting; 3=Home; 4=Itinerant Services outside of the Home, in a Hospital; 5=Part-Time Early Childhood Setting/Part-Time Early Childhood Special Education Setting; 6=Residential Facility; 7=Separate School

childhood settings (setting 1) for the 1996-97 school year (27%) as compared to the state (24%), considered one of the less restrictive options. During the 1994-95 and 1995-96 school year, placements for County A in early childhood settings (setting 1) were fewer than the statewide average, 11% and 18%, and 11% and 22%, respectively. However, County A placed fewer students in separate schools (setting 7) for each of the three school years (15%, 11% and 7%, respectively) as compared to he statewide average (33%, 38%, and 26%, respectively).

County B—perceptions of preschool placements as reported by interviewees

Interviewees of the four stakeholder groups in County B were also asked the second interview question, "How are preschool children with disabilities served in your area?" to gather information regarding the perceptions of preschool special education placements. In County B, 50% of the interviewees commented on the change in the delivery of services for preschool children with disabilities over the last year. Many of the interviewees noted the influential affect that the Laws of 1996 had on special education programming. Specifically, 53% of the Committee on Preschool Special Education Chairpersons, 50% of the Head Start directors and 100% of the two remaining interview groups discussed the impact of the 1996 legislation on preschool special services. The preschool providers focused on the required business plans, as well as the moratorium on approval of new self-contained classes. One preschool provider commented that "in the last year, we have become more aware of the need to reduce special classes and move toward integrated classes." Another preschool provider viewed the required business plan process as a mechanism that pressured them to move in the direction of integrated options.

Other interviewees held different perspectives of the influence of state policy on the preschool special education system. One chairperson observed preschool providers as being resistive to state regulations that required more programming in integrated settings: "they [preschool providers] are slow to integrate and the regulations are forcing them to shift." Another chairperson stated "when it comes to preschool students, it is difficult to implement the least restrictive environment [mandates] because there are very few program options available that give the student with a disability the opportunity to interact with non-disabled peers." Another chairperson described how their school district received approval from the New York State Education Department to operate an integrated special class with their prekindergarten class, as well as to serve as an approved evaluator. Availability of program options in a geographical area affected the delivery of preschool education in less restrictive settings.

Another chairperson of a school district that operated its own preschool special education program in County B observed that there were few program options available in 1991, with most preschool students with disabilities receiving their services in half- or full-day special classes. Special Education Itinerant Teacher services and integrated special classes were not available at that time. This resulted in placement decisions restricted to a few options, primarily either related services in the home or child care facility or half- or full-day special classes. If a preschool child with a disability was not enrolled in a child care facility and required socialization, the only options that a Committee on Preschool Special Education could consider were half- or full-day special classes. Therefore, it was not surprising that New York State had a high percentage of preschool students with disabilities receiving services in special class placements in the early to mid-1990's. Within the last two years, this same chairperson saw an increase in integrated special classes and thought that the 1996 legislative changes were a major factor of this change.

When asked to describe how preschool children with disabilities were served in County B, the county representative indicated that 60% of the preschool students currently receive services in special or integrated classes and 40% receive related services only. However, analysis of the PD-4 placement data showed that a greater percentage of preschool students in County B received services in special or integrated classes as compared to related services. The percentage of preschool students in special or integrated classes was 89%, 90%, and 77% as compared to related services of 11%, 10%, and 13%, respectively for the 1994-95, 1995-96 and 1996-97 school years. One explanation for the discrepancy may be that PD-4 placement data for the current school year, 1997-98, was not available at the time of this study. Analysis of the current school year placement data would determine if there was a substantial decrease to 60% of preschool students with disabilities placed in special and integrated settings and an increase to 40% receiving related services only.

The county representative also saw an increase in service delivery options, especially special classes in integrated settings and Special Education Itinerant Teacher services, and attributed the changes to the 1996 legislation. Both the county representative and several chairpersons agreed that some of the preschool providers had a difficult time establishing integrated classes. Unless the preschool provider was also a day care provider, it was harder for the preschool provider to collaborate with child care facilities that housed prekindergarten, Head Start, or nursery schools classes. However, the county representative indicated that one preschool provider recently established an integrated class with Head Start. In addition, the county emphasized that the county director spends considerable time discussing integrating efforts with the child care directors.

Four of the five preschools that participated in the study provided a continuum of services, including approval to operate half- or full-day integrated classes. Two of the preschool providers recently were approved to provide integrated programs. All of the preschool programs were approved to provide Special Education Itinerant Teacher Services. One preschool provider observed a dramatic increase in the number of students identified on the autism spectrum that receive home-based special education services. Some of these students are approved for 25-40 hours of home-based 1:1 services, typically delivered by a Special Education Itinerant Teacher using an Applied Behavior Analysis methodology. However, the development of Special Education Itinerant Teacher services was intended to support preschool students with disabilities in general education settings, such as Head Start, prekindergarten, nursery school, or day care classes. Supporting preschool students with disabilities in such settings would result in more students receiving their special services while remaining in less restrictive settings. The impact of using Special Education Itinerant Teacher services for intensive 1:1 home-based services on the least restrictive environment mandate is not clear. Overall, all interviewees noted that more service delivery options were available and that students received a variety of services ranging from less to more restrictive placements.

County B—analysis of PD-4 placement data

A comparison of responses to the second interview question, "How are preschool children with disabilities served in your area?", and PD-4 data indicated that all interviewees had a fairly accurate profile of preschool special education placements in their county during 1994-1997. As discussed previously, the county representative correctly indicated that more preschool children with disabilities were in special and integrated classes; however, analysis of the PD-4 data for the three years revealed higher percentages of preschool students in special and integrated classes and lower percentages of related service students. Table 6 depicts preschool placements in seven settings for the 1994-95, 1995-96, and 1996-97 school years. Data were provided for each school district, as well as county totals. County and statewide data was also compared.

The total number of preschool students reported to be receiving services on December 1 of 1994-95, 1995-96 and 1996-97 remained fairly constant, with thirty-one more students in the second year and seven students in the later year. As Table 7 indicates, the percentage of students in early childhood settings (setting 1), considered a less restrictive option, increased in County B from 16% in 1994-95, 21% in 1995-96 to 22% in the 1996-97 school year. For each of the three school years, the school districts that reported percentages of students in early childhood settings (setting 1) that exceeded the county average ranged from 17% to 76%, 22% to 95%, and 23% to 67%, respectively.

Table 7

PD-4 Preschool Placement Data for County B for the 1994-97 School Years

COUNTY B 1994-95 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	0%	0%	57%	0%	14%	0%	29%	7
2	--	--	--	--	--	--	--	0
3	27%	73%	0%	0%	0%	0%	0%	11
4	0%	40%	0%	0%	0%	0%	60%	20
5	0%	73%	7%	20%	0%	0%	0%	15
6	33%	67%	0%	0%	0%	0%	0%	3
7	0%	32%	10%	0%	58%	0%	0%	19
8	17%	74%	7%	0%	2%	0%	0%	92
9	30%	26%	11%	0%	33%	0%	0%	27
10	30%	19%	0%	0%	0%	0%	51%	37
11	31%	51%	0%	0%	18%	0%	0%	153
12	76%	24%	0%	0%	0%	0%	0%	38
13	3%	0%	28%	0%	9%	0%	60%	32
14	0%	100%	0%	0%	0%	0%	0%	1
15	4%	0%	21%	0%	0%	0%	75%	47
16	7%	68%	0%	0%	0%	0%	25%	28
17	0%	85%	15%	0%	0%	0%	0%	40
County Totals	16%	46%	10%	1%	8%	0%	19%	570
Statewide Totals	18%	39%	5.5%	1%	4%	.5%	33%	28242

Table 7 continued.

PD-4 Preschool Placement Data for County B for the 1994-97 School Years

COUNTY B 1995-96 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	22%	33%	11%	0%	0%	0%	34%	9
2	28%	52%	20%	0%	0%	0%	0%	25
3	17%	50%	17%	0%	16%	0%	0%	6
4	95%	0%	0%	0%	0%	0%	5%	19
5	0%	60%	0%	40%	0%	0%	0%	10
6	0%	80%	20%	0%	0%	0%	0%	10
7	0%	54%	8%	0%	38%	0%	0%	13
8	13%	58%	21%	0%	8%	0%	0%	72
9	31%	4%	3%	0%	3%	0%	59%	29
10	12%	16%	2%	0%	0%	0%	70%	43
11	35%	48%	0%	0%	17%	0%	0%	166
12	31%	0%	0%	0%	22%	0%	47%	36
13	0%	27%	0%	0%	0%	0%	73%	30
14	60%	40%	0%	0%	0%	0%	0%	5
15	0%	0%	4%	0%	38%	0%	58%	55
16	3%	86%	0%	0%	0%	0%	11%	36
17	13%	5%	22%	0%	0%	0%	60%	37
County Totals	21%	36%	8%	2%	8%	0%	25%	601
Statewide Totals	22%	29%	7%	1%	3%	0%	38%	31533

Table 7 continued.

PD-4 Preschool Placement Data for County B for the 1994-97 School Years

COUNTY B 1996-97 SCHOOL YEAR								
School District	Setting #1	Setting #2	Setting #3	Setting #4	Setting #5	Setting #6	Setting #7	Total Students
1	0%	10%	10%	10%	0%	0%	70%	10
2	45%	22%	11%	0%	22%	0%	0%	27
3	14%	57%	29%	0%	0%	0%	0%	7
4	67%	25%	0%	0%	0%	0%	8%	24
5	0%	37%	63%	0%	0%	0%	0%	8
6	0%	0%	0%	0%	0%	0%	100%	3
7	0%	89%	11%	0%	0%	0%	0%	19
8	23%	59%	14%	0%	4%	0%	0%	87
9	6%	20%	6%	0%	0%	0%	68%	35
10	5%	30%	8%	0%	0%	0%	57%	60
11	24%	42%	18%	0%	16%	0%	0%	90
12	48%	0%	0%	0%	19%	0%	33%	52
13	38%	9%	6%	0%	0%	0%	47%	47
14	0%	100%	0%	0%	0%	0%	0%	1
15	4%	0%	14%	0%	25%	0%	57%	51
16	27%	27%	0%	0%	35%	0%	11%	34
17	9%	6%	32%	0%	8%	0%	45%	53
County Totals	22%	28%	12%	1%	10%	0%	27%	608
Statewide Totals	24%	36%	9%	1%	4%	0%	26%	32364

Notes for Table 7.

Data are reported as a round-off percentage of the total preschoolers for each school district in settings 1-7 on December 1 for a given school year. Total (last column) refers to the number of preschool children with disabilities in a given school year. County totals refer to County B data and statewide total refer to aggregate data of all preschool students with disabilities in New York State.

School District #2 in County B did not report any preschool data for the 1994-95 school year.

Settings 1-7 are defined as follows for preschool children with disabilities in New York State:
1 = Early Childhood setting—refers to preschool children with disabilities who received all of their special education and related services in programs designed primarily for children without disabilities (e.g. Head Start Center, child care facility, Prekindergarten class, approved special education class in an integrated setting);
2 = Early Childhood Special Education setting—refers to preschool children with disabilities who received their special and related services in program designed primarily for children with disabilities housed in regular school buildings or other community based settings (e.g. special education classes in regular public school buildings, special education classes in child care facilities or other community based settings);
3 = Home—refers to preschool children with disabilities who received their special education itinerant teacher services and/or related services in the principle residence of the child's family or caregiver;
4 = Itinerant Services Outside of the Home, in a Hospital—refers to preschool children with disabilities who receive all of their special education and related services at a hospital for a short period of time, up to 3 hours per week on an outpatient basis;
5 = Part-Time Early Childhood Setting/Part-Time Early Childhood Special Education setting—refers to preschool children with disabilities who received services in multiple settings, such that: 1) a portion of their special education and related services are provided at home or in programs designed primarily for children without disabilities (e.g. Head Start Center, child care facility, Prekindergarten), and 2) the remainder of their special education and related services are provided in programs designed primarily for children with disabilities (e.g. separate special education class, residential facility).
6 = Residential Facility—refers to preschool children with disabilities who received all of their special education and related services in publicly or privately operated residential schools on an in-patient basis.
7 = Separate School—refers to preschool children with disabilities who received all of their special education and related services in educational programs in public or private day schools specifically for children with disabilities.
Aggregate data from settings 1, 3, 4 and 5 are used to calculate the percentage of preschool students with disabilities who receive educational services with nondisabled children.

Sources for Table 7:

VESID, (March, 1995). The Consolidated Special Education Performance Report for 1993-94. Albany, New York: The State Education Department.

VESID (May, 1997). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1995-96. Albany, NY: The State Education Department.

VESID (in press). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1996-97. Albany, NY: The State Education Department.

School districts 11 and 12 were the only school district who exceeded the county average for placing preschool students in early childhood setting (setting 1) for each of the three school years with 31%, 35%, 24% and 76%, 31%, 48% respectively. During the interviews, the chairperson in school district 11 described their area as inner-city with many impoverished families." School district 11 also was an approved preschool special education provider of both special and integrated classes, related services, and Special Education Itinerant Teacher services. The school district was recently approved to serve as an evaluation site for preschool children with disabilities and the chairperson remarked "that we [school district] will now have some leverage at the committee meetings." The preschool evaluators were typically preschool providers of center-based programs. The school district also operated a prekindergarten program and there was a Head Start program located in the area. The chairperson explained that the continuum of service options was emphasized at committee meetings. With many options available in school district 11, more preschool students with disabilities received services in less restrictive settings. During the interviews, the Chairperson of school district 12 indicated that they were "practically fully included" at the school-age level. The chairperson described that preschool children with disabilities received services in a variety of settings and that placements in the least restrictive environment were emphasized. Although school-age placement data was not a focus of this study, school district 12 had a similar philosophy of serving students with disabilities of all ages with their non-disabled peers. The result was consistent placement of preschool children with disabilities in early childhood settings (setting 1).

The percentage of students in separate schools (setting 7) , considered a more option than early childhood settings (setting 1), increased in County B for the three year period, 19%, 25%, and 27%, respectively. For each of the three school years, the percentage of students in separate school settings (setting 7) that exceeded the county average ranged from 25% to 75%, 34% to 73%, and 33% to 100%, respectively.

Of the 17 school districts, four exceeded the county average of placing students in separate schools (setting 7) for each of the three school years. School district 1 did not participate in this study. During the interview, the chairperson of School district 10 saw a trend toward students receiving related services but recognized that many received services in special classes. However, the chairperson remarked, "a few years ago, practically all of preschool students were in special classes." The chairperson of school district 13 described their geographical area as "90% of the population as poor with the majority of children not enrolled in child care facilities." The chairperson also observed that it was "sometimes difficult to get related service providers to provide services in some homes." There was a Head Start program in the area but accepted only four-year-old children. With these factors, the result was that many of the preschool students with disabilities in school district 13 were placed in special class. The chairperson of school district 15 indicated that "the most common service option was related services delivered in the home or nursery school setting." Preschool students in special class placements were considered "more needy." However, analysis of the PD-4 indicated that special class placements was more prevalent than related services in this school district. One factor explaining this discrepancy may be that placement data for the 1997-98 school year was not available during this study; although service delivery would need to substantially change from the 1994-97 school years to reflect related services as a more common placement option for this school district.

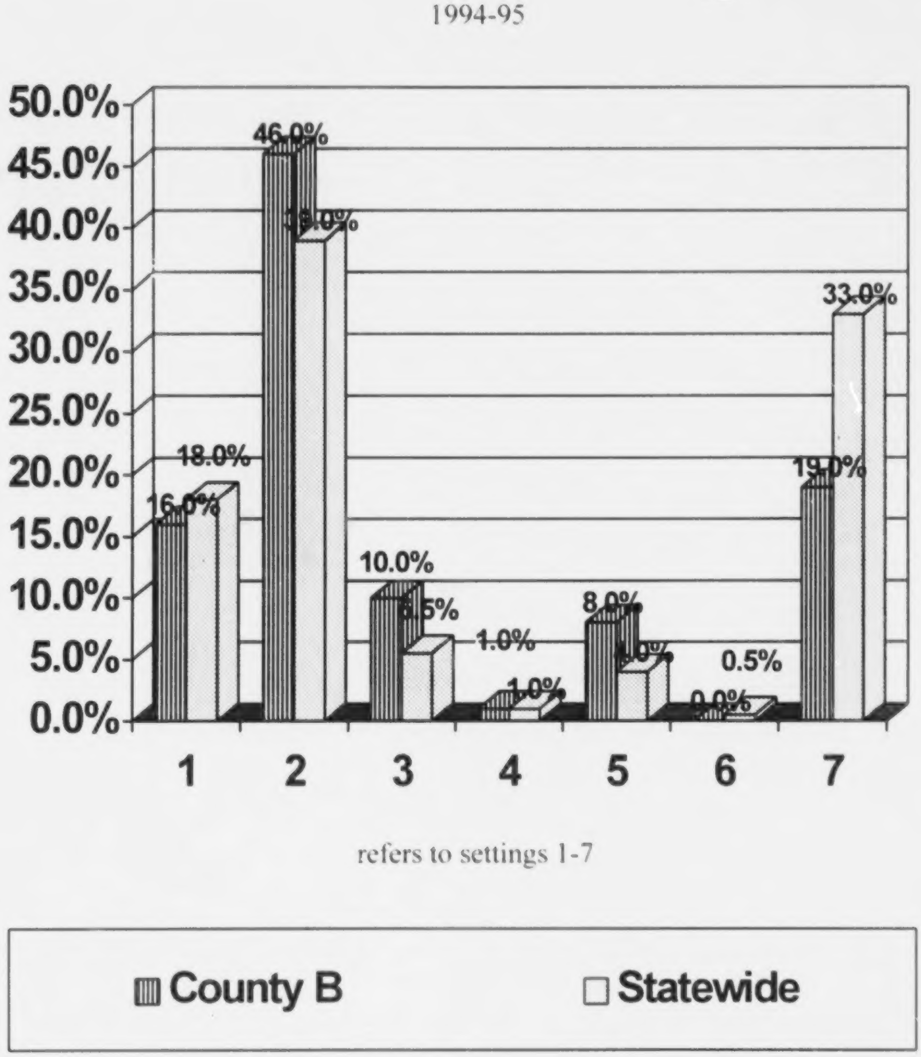
During the interviews, several factors were mentioned that may be related to the increase in special class placements. Two chairpersons indicated that their districts were primarily inner-city, with an "impoverished" population, with many families unable to afford the tuition costs of child care placements. Before special classes in integrated settings were created, if a preschool child with a disability required socialization the primary placement option was half- and full-day special classes. One chairperson and a preschool director observed an increase in the number of students identified as autistic leading to a greater need for "more intensive programming, often in special class placements and additional special education services delivered in the home." The county representative observed that the school districts with prekindergarten, Head Start, and nursery school classes had an easier time of creating integrated classes with preschool special education providers. Those districts without these resources had a harder time attracting students without disabilities into their special class integrated programs. Two chairpersons noted that they were significantly more inclusive in the 1997-98 school year than in 1994; however, this assertion can not be verified until the PD-4 data for the more recent school year is published in the Spring' 99. Two chairpersons indicated that some of the preschool providers were slower to develop integrated classes and some were only recently approved. Therefore, the PD-4 data in Table 7 reflected a time when preschool providers were more likely to offer special classes.

Overall, during the three school years, placements in both less and more restrictive settings increased in County B. Placements in setting 2 (early childhood special education setting) were considered more restrictive since they were designed primarily for children with disabilities. Placements in setting 2 decreased by 10% in 1995-96 and 8% in 1996-97 while placements in separate schools (setting 7) increased 6% and 2% for the same years, both considered more restrictive options. However, placements in early childhood settings (setting 1), a less restrictive option, increased by 5% in the 1995-96 and 1% in the 1996-97 school year. The shift toward less restrictive options in County B was compromised since placements in more restrictive options continued to increase at the same time.

Comparison of County B and Statewide Data

In comparison of County B to statewide data for 1994-97, Figure 7 demonstrates similarities and differences. Rank ordering of county and statewide data in 1996-97 showed that County B and statewide had the same rankings (settings 2, 7, 1, 3) as during the 1994-95 school year. The majority of placements in during these two years were in more restrictive settings, early childhood special education settings (setting 2) and separate schools (setting 7). Rank ordering of county B and statewide data during 1995-96 showed that the third and fourth setting matched (settings 2, 7, 1, 3-5 and 7, 2, 1, 3 respectively), excluding setting 5 that was ranked third for County B. Further analysis indicated that more restrictive settings (settings 2 and 7) were ranked first or second and less restrictive settings (settings 1, 3, and 5)

Figure 7. Comparison of PD-4 Data for County B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).


1994-95

refers to settings 1-7

Figure 7. Comparison of PD-4 Data for County B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

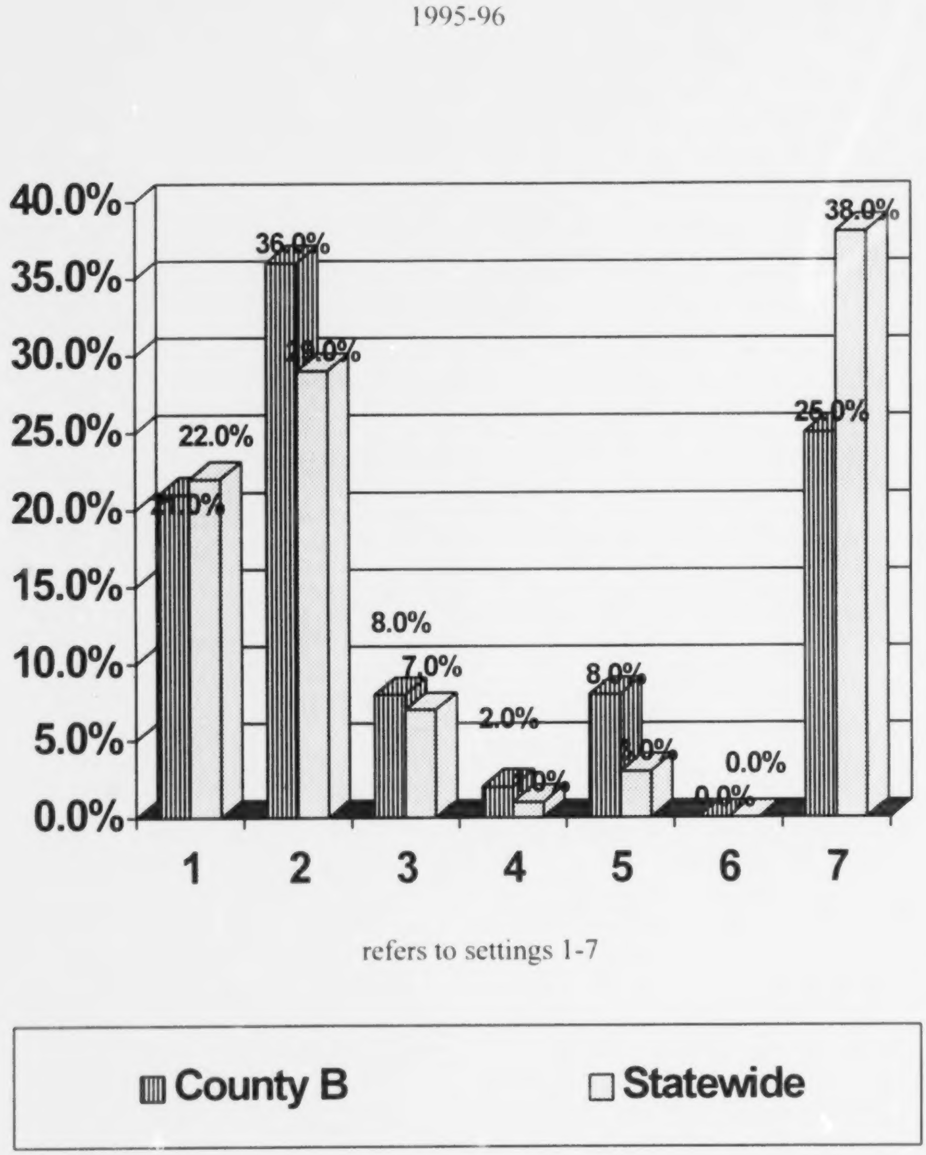
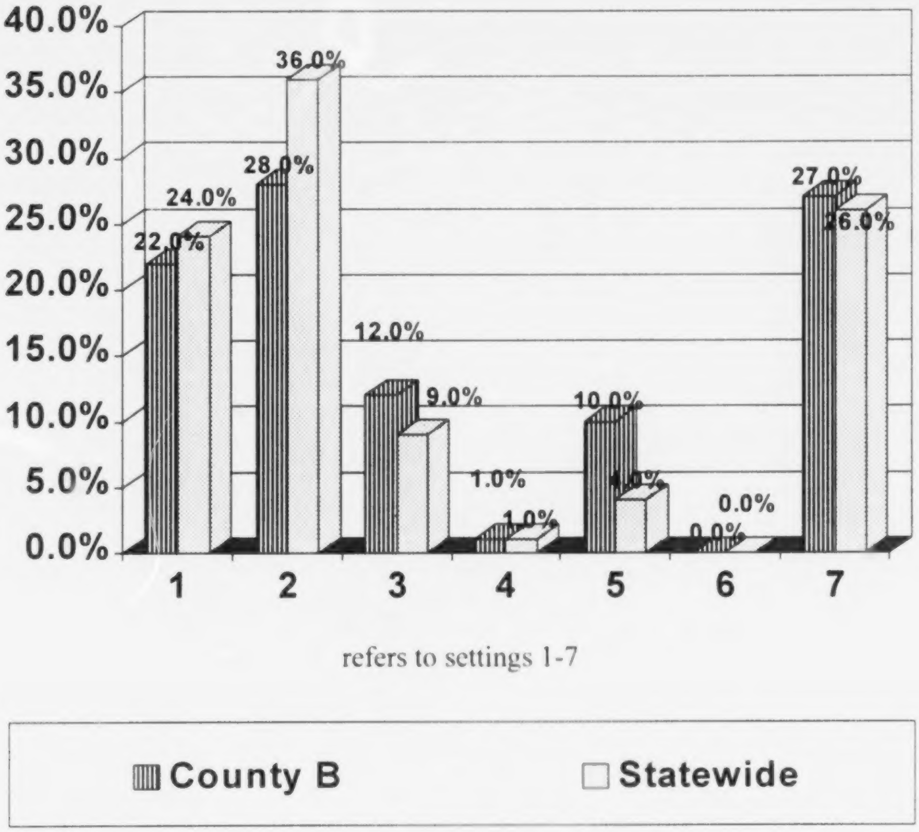


Figure 7. Comparison of PD-4 Data for County B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

1996-97



Notes:

Settings 1-7 are defined as follows: 1=Early Childhood Setting; 2=Early Childhood Special Education Setting; 3=Home; 4=Itinerant Services outside of the Home, in a Hospital; 5=Part-Time Early Childhood Setting/Part-Time Early Childhood Special Education Setting; 6=Residential Facility; 7=Separate School

were ranked third and fourth. During the three years, more preschool students with disabilities were placed in more restrictive settings (settings 2, 7) in County B and statewide.

Figure 7 showed that, during 1994-97, County B exceeded the statewide average for placing students in part-time early childhood and special education settings (setting 5), considered a less restrictive option. County B and statewide data for placing students in early childhood settings (setting 1), a less restrictive option, were almost equal. For the 1994-95 and 1995-96 school years, County B exceeded statewide data for placing students in early childhood special education settings (setting 2), considered a more restrictive option (46%, 36% and 39%, 29%, respectively). Both County B and statewide decreased the percentage of students in this setting for the two year period. In 1996-97, County B continued to decrease the percentage of students in early childhood settings (setting 2) (28%) from the previous two school years while statewide data showed an increase (36%) from the previous year. Although County B had a high percentage of students in separate schools (setting 7) for the 1994-95 and 1995-96 school years (19% and 25% respectively), these percentages were less than the statewide averages (33% and 38% respectively). The percentage of students in separate schools (setting 7) for 1996-97 in County B and statewide was almost equal and showed a 2% increase for County B (from 25% to 27%) and a 12% decrease for statewide (from 38% to 26%).

County A and B and Statewide—analysis of PD-4 placement data

Figure 8 compares County A and B and statewide placement data during the 1994-97 school years. During the three school years, the percentages of students in

Figure 8. Comparison of PD-4 Data for County A and B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

1994-95

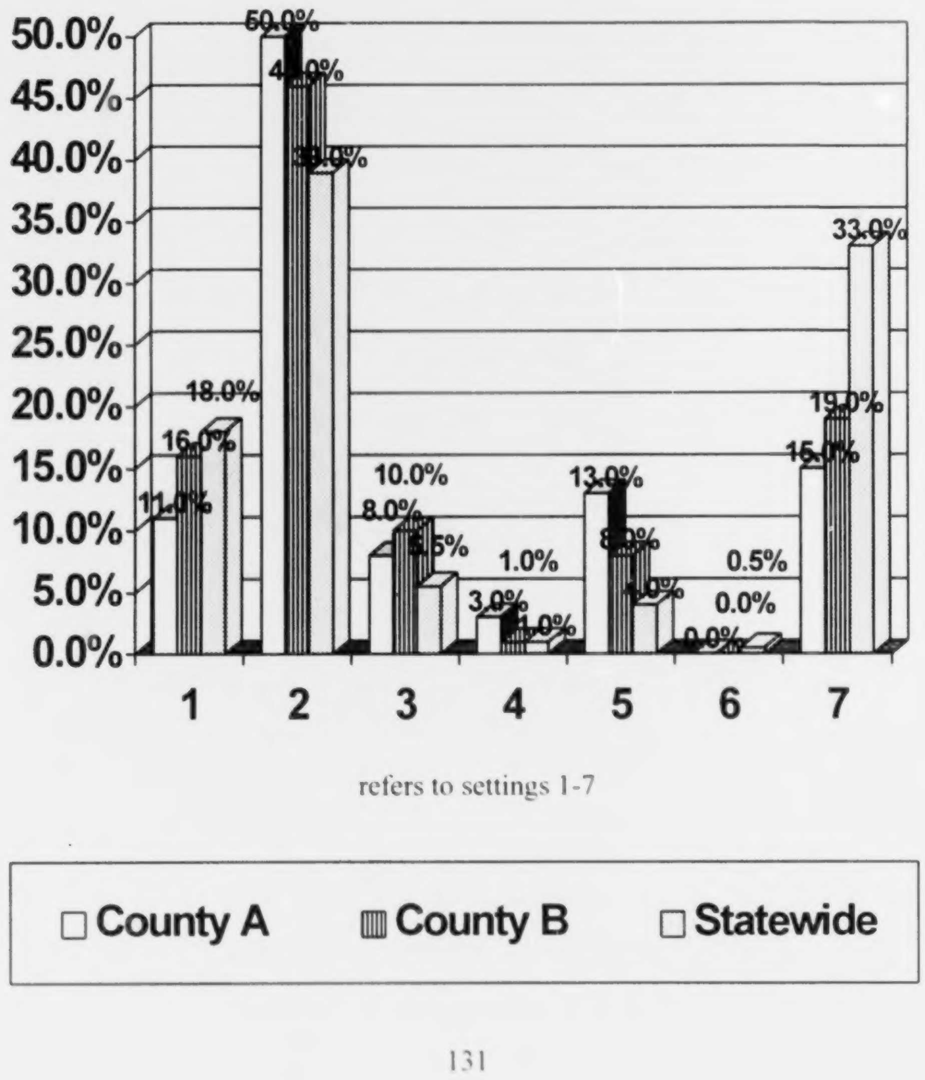


Figure 8. Comparison of PD-4 Data for County A and B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).

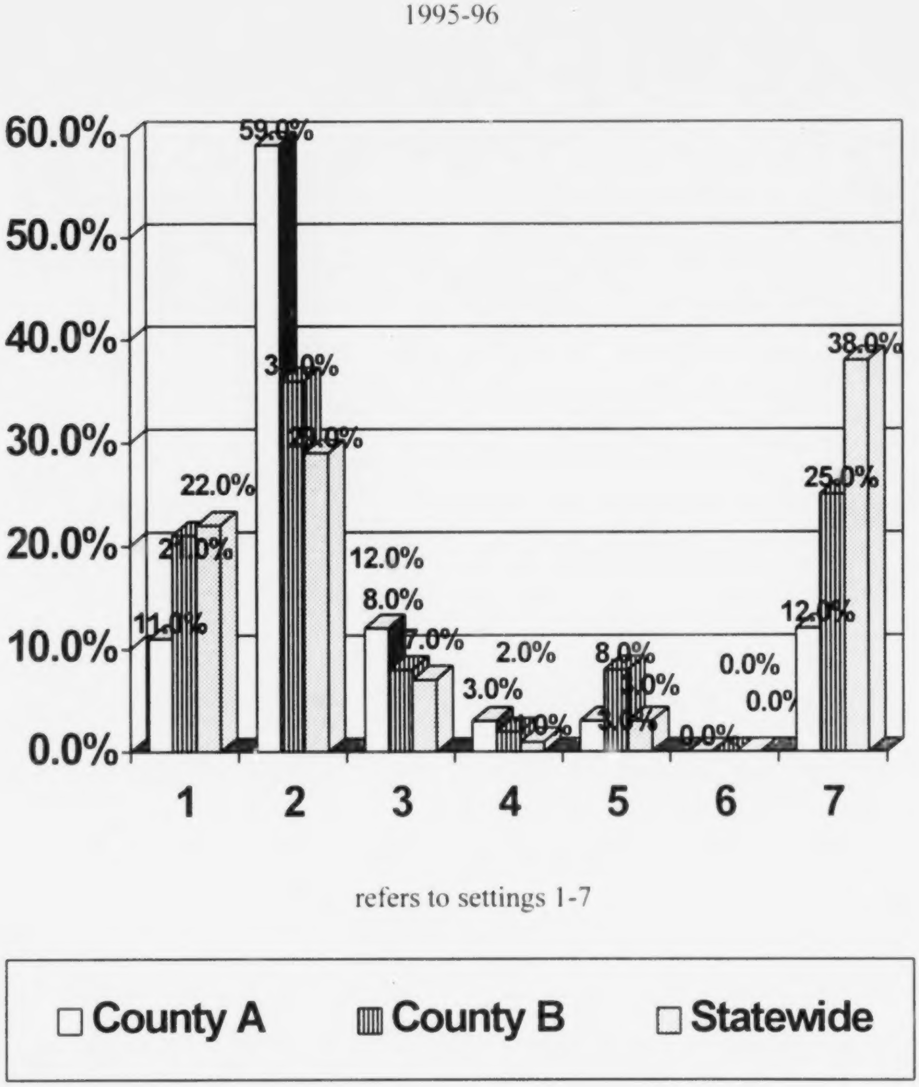
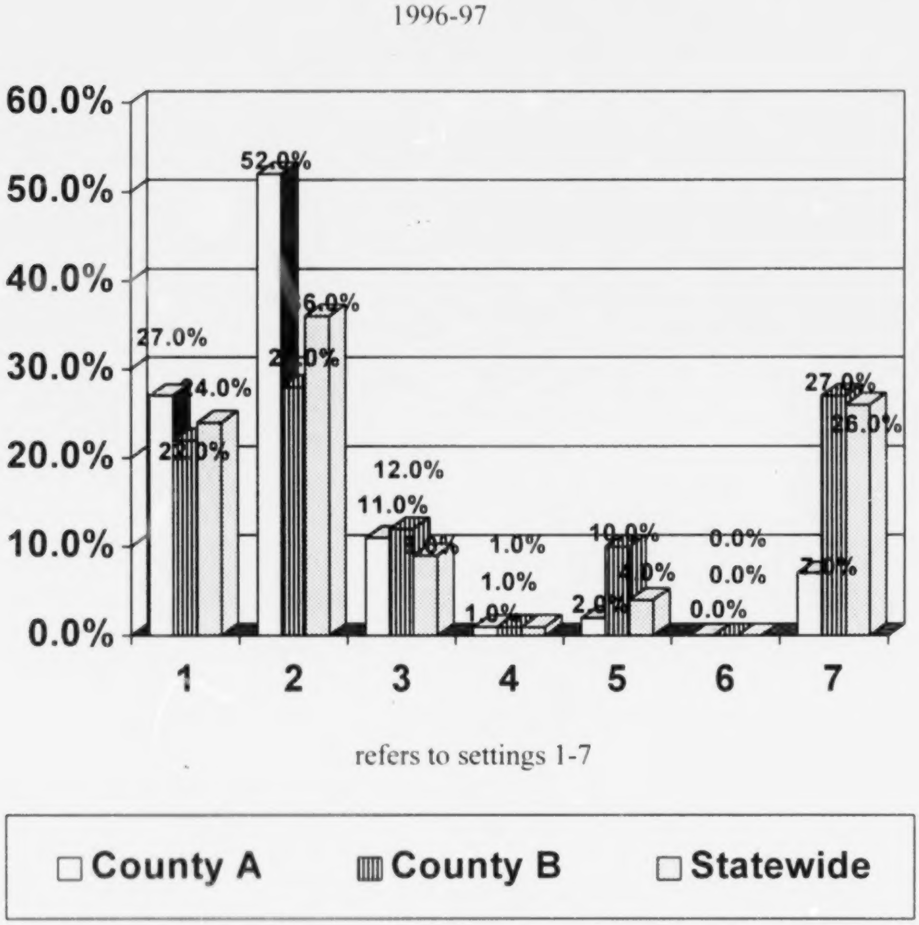


Figure 8. Comparison of PD-4 Data for County A and B and Statewide during 1994-97 (VESID, March 1995; VESID, 1997; VESID, in press).



Notes:
Settings 1-7 are defined as follows: 1=Early Childhood Setting; 2=Early Childhood Special Education Setting; 3=Home; 4=Itinerant Services outside of the Home, in a Hospital; 5=Part-Time Early Childhood Setting/Part-Time Early Childhood Special Education Setting; 6=Residential Facility; 7=Separate School

separate schools (setting 7) in County A and B was less than the percentages in statewide, considered a more restrictive placement (15%, 11%, 7%; 19% 25% 27%; and 33%, 38%, 26%, respectively). However, statewide data for early childhood settings (setting 1) showed a higher percentage of preschool students placed in this less restrictive setting (18%, 22%, 24%) for the three years than County A and B (11%, 11%, 27%; 16%, 21%, 22%, respectively). Rank ordering of County A, B and statewide showed some similarities. During 1994-95, placements in early childhood special education settings (setting 2) and separate schools (setting 7) was ranked first and second for County A and County B and statewide (settings 2, 7, 5, 1; 2, 7, 1, 3; and 2, 7, 1, 3, respectively). At that time, the majority of preschool students with disabilities received special education services in more restrictive settings. Rank ordering of County A and County B and statewide during 1995-96 varied (settings 2, 3-7,1, 4-5; 2, 7, 1, 3-5; and 7, 2, 1, 3, respectively). County A and B both continued to rank early childhood special education settings (setting 2) first while statewide ranked separate schools (setting 7) first and early childhood settings (setting 2) second. These rankings showed that the majority of preschool children with disabilities in both counties and statewide continued to receive services in more restrictive placements during the 1995-96 school year. During the 1996-97 school year, rank ordering showed that early childhood settings (setting 2) was ranked first for County A and B, and statewide, considered a more restrictive placement (settings 2, 1, 3, 7; 2, 7, 1, 3; 2, 7, 1, 3, respectively). During the 1994-97 school years, both counties and statewide continued to place preschool students with disabilities in more restrictive settings.

Delivery of related services in the home (setting 3) was an infrequent placement option used in both counties and statewide. During 1994-97, County A and B exceeded the statewide average of preschool students receiving services in the home (setting 3) each year (8%, 12%, 11%; 10%, 8%, 12%, and 5.5%, 7%, 9%, respectively). Rank ordering showed that related services in the home (setting 3) for both counties and statewide was not ranked first or second during the 1994-97 school years. During 1994-95, statewide and County A ranked related services in the home (setting 3) fourth and fifth, respectively, while County B ranked this setting second (separate schools, setting 7 was also ranked second). During 1995-96, County A ranked services in the home (setting 3) second (separate schools, setting 7 also ranked second), while County B and statewide ranked this setting fourth.

During 1994-97, County A ranked early childhood setting (setting 2) first each year, a more restrictive setting, but shifted to placing more preschool students in less restrictive settings during the last two years. Separate schools (setting 7), a more restrictive setting, was ranked last in County A during 1996-97 as compared to second place for the 1994-96 school years.

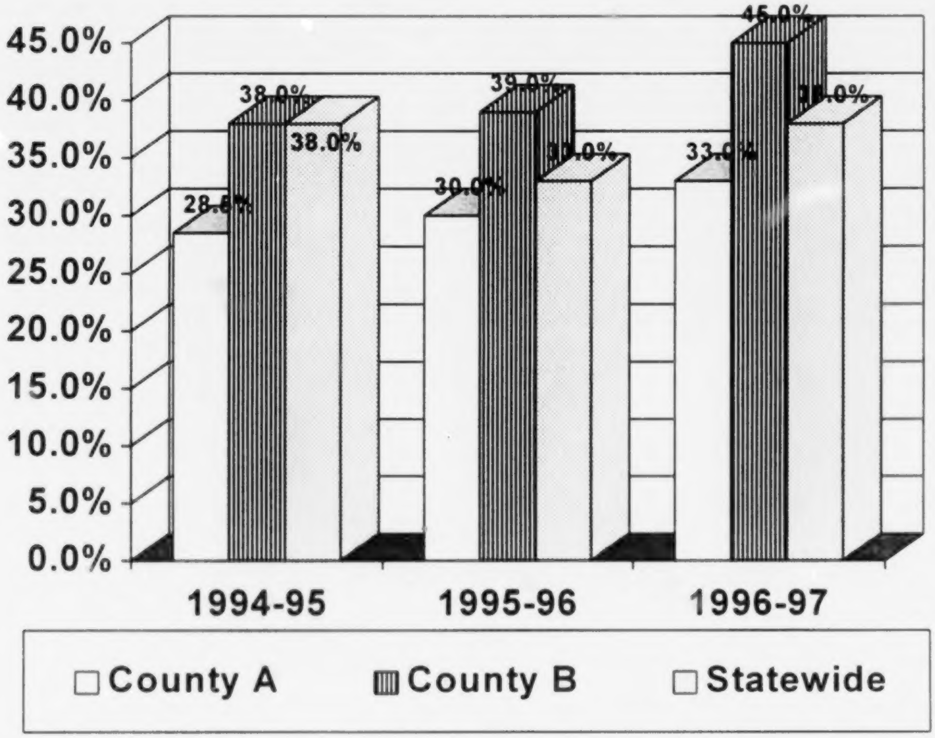
A comparison of rankings during 1994-97 showed that County B and statewide had the same rankings (settings 2, 7, 1,3) every year. The only exception was that Setting 5 was also was ranked fourth for County B during the 1995-96 school year. Statewide rankings were identical for 1994 and 1997 (settings 2, 7, 1, 3). Since 1994, placements in more restrictive settings (settings 2, 7) continued to be prevalent in County B and in New York State two years later.

When the New York State Education Department calculated the percentage of preschool students with disabilities receiving education services with nondisabled children, data in following four settings of the PD-4 report are aggregated: (a) early childhood setting (setting 1), (b) home (setting 3), (c) itinerant services outside of the home, in the hospital (setting 4), and (d) part-time early childhood setting/part-time early childhood special education setting (setting 5). Figure 9 compares the percentage of preschool students in integrated settings in County A and B and statewide. During 1994-95, County A and statewide both had 38% of preschool students in integrated settings while County B had 28.5 percent. During 1995-96, County B had 39% of preschool students in integrated settings while County A and statewide 30% and 33%, respectively. During 1996-97, County B continued to place a higher percentage of preschool students in integrated settings (45%) as compared to County A and statewide with 33% and 38%, respectively.

Research Question #2: What were the factors that either facilitated or constrained implementation of the least restrictive environment mandates within the selected counties.

To provide a framework for their interview responses, every interviewee was asked to define least restrictive environment. They were also asked if their definition applied to both preschool and school-age children with disabilities. A comparison of responses showed similarities and differences in the interviewees definitions and application to children. An analysis of business plans is presented. In County A, one of the five preschool directors submitted a business plan to be included in this study. Two preschool directors did not submit business plans for unknown reasons. Business plans were not required for the remaining two preschool program since one

Figure 9. Percentages of Preschool Children with Disabilities in County A, B, and Statewide Receiving Special Education Services with Nondisabled Children during 1994-97.



Sources for Figure 9:

VESID (March, 1995). The Consolidated Special Education Performance Report for 1993-94. Albany, New York: The State Education Department.

VESID (May, 1997). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1995-96. Albany, NY: The State Education Department.

VESID (in press). Performance Report of Educational and Vocational Services and Results for Individuals with Disabilities, 1996-97. Albany, NY: The State Education Department.

program was closing and the other had just opened. All preschool directors in County B submitted business plans. An analysis of business plans and their influence in affecting change in the delivery of preschool services is discussed. Identification of factors that facilitated or constrained the implementation of the least restrictive environment is presented for each county.

Definition of Least Restrictive Environment

Most interviewees (77%) defined "least restrictive environment" as a placement with non-disabled peers to the greatest extent appropriate and that preschool students with disabilities should be provided the opportunity to receive their education with their non-disabled peers. Other interviewees (21%) defined least restrictive environment as a series of placements along a continuum ranging from least to more restrictive options. Two interviewees indicated that that the student's disability was a factor to consider when determining an appropriate educational placement. One interviewee had extensive experience working with students with behavioral disorders and saw this type of disability as usually needing a more restrictive placement. Another interviewee defined least restrictive environment as "the least amount of special education services that the child required in order to be successful in the classroom."

When asked whether their definition of least restrictive environment applied to school-age and preschool students with disabilities, 85% of the interviewees responded yes. However, 15% of the interviewees said no—that the two groups are separable since there are no public regular education settings for preschool students. One interviewee commented that "without a regular education option it is harder to argue against special class placements for some children with more than one area of disability who have no other [classroom] option." Some interviewees also stated there were few preschool options available that allowed students with disabilities the opportunity to interact with their non-disabled peers. Another interviewee observed that it is easier to implement least restrictive environment at the preschool level since the emphasis was on socialization. As students move to higher grades that emphasize skills, it is more difficult to maintain some students with disabilities in regular education classrooms.

In a comparison of definitions across counties and within the four interview groups, 38% of interviewees in County A defined "least restrictive environment" as a continuum of services ranging from least to more restrictive options, as compared to 5% in County B. In County A, 62% viewed least restrictive environment as a regular class placement to the greatest extent appropriate as compared to 95% in County B. An analysis of the four interview groups showed that Head Start directors and county representatives held the same view of least restrictive environment in County A and B. They believed that preschool students with disabilities should be provided the opportunity to receive their education with their non-disabled peers to the greatest extent appropriate. In County A, 69% of chairpersons also had a similar definition of least restrictive environment as compared to 82% of chairpersons in County B. In County A, 31% of chairpersons defined least restrictive environment as a range of options on a continuum as compared to 18% of chairpersons in County B. In County B, all preschool directors defined least restrictive environment as a placement with non-disabled peers to greatest extent appropriate as compared to 60%

of chairpersons in County A. In County A, the remaining 40% of chairpersons viewed the least restrictive environment as a continuum of service options.

Analysis of Business Plans.

In relation to the least restrictive environment mandate, a requirement of the business plan was inclusion of a plan for the redirection of fiscal and personnel resources toward providing special education programs and services in settings with children who do not have disabilities. Business plans should propose that, over a two year period, a minimum of 25% of the preschool program's enrollment, which only includes preschool children with disabilities, be redirected to settings where non-disabled peers are typically found (VESID, October, 1996). The emphasis was on reducing the reliance on special class placements for preschool children with disabilities in New York State.

County A—Business Plans.

The business plan of the preschool program in County A outlined a plan to create a half-day integrated special class in collaboration with a Head Start. The preschool provider was also a Head Start provider that facilitated the collaborative effort of offer preschool special services in a child care setting with non-disabled peers. Currently, special classes and Head Start classes are housed in the same building but in different classrooms. No special accommodations were needed to the building that would house the integrated special class. Since the integrated special class was half-day, enrollment would decrease and the reduction in expenditures were estimated to exceed the 25% minimum set by New York State. Approval for this program was granted by the New York State Education Department.

County B—Business Plans.

At the time their business plan was submitted, preschool provider 1 was an approved provider of operational half- and full-day integrated and special classes and special education itinerant teacher services. Their business plan was designed to achieve the minimum reduction of 25% of the enrollment in special class settings through an increased emphasis on collaboration with Head Start Programs and greater use of the special education itinerant teacher services, especially in group settings organized within the rural communities of the county. The provider indicated that alliances with Head Start administrators in several inner-cities were formed for the purpose of finding suitable facilities, cooperative work schedules, mutual support, and a secondary source of non-served, Head Start eligible "typical" children to be enrolled in the integrated class. The status of approval was not known at the time of this study.

In their business plan, preschool provider 2 was seeking approval to operate an integrated special class and provide special education itinerant teacher services. The program outlined a plan of reducing the number of special classes and opening a nursery school program with the additional space. Funding was needed to make the building accessible, as well as building a kitchen area for hot meals. Further reduction in the percentage of students in special classes would also be achieved through an increase in special education itinerant teacher services. The status of approval was not known at the time of this study.

A portion of the business plan was submitted by preschool provider 3. Their plan to redirect resources involved the approval of a half-day integrated special class.

However, the first business plan was not approved since the class was considered a special class in an integrated setting, not an integrated special class. Opportunities for integration were supported in this setting but not required. A second submission for an integrated special class was approved since the new design resulted in preschool students with and without disabilities receiving special education services in the same classroom.

Preschool provider 4 submitted their business plan proposal two times before it was eventually approved in October, 1997. Their design involved a 25% reduction in the number of students enrolled in special classes over a two-year period. Also, they planned on decreasing the number of full-day classes while increasing half-day integrated and special programs. In addition, a 10-25% increase in students receiving related services and special education itinerant teacher services was anticipated. Prior to the requirement of the business plans, this preschool provider was approved by the New York State Education Department to build a new facility to house integrated special classes and a nursery school program. The director of the preschool program explained that "when the business plans came along, our plan was not approved since the addition of a new building looked like we were increasing our enrollment when the requirements were now for a reduction. It was like one department did not know what the other was doing, especially since I had approval letters for the building from the state [education department]."

Preschool provider 5 was a school district that operated a preschool special education program. Currently, they operate two half-day special classes in an integrated setting where students have the opportunity to interact with non-disable peers who attend a nursery school on-site operated by a local church. Reduction in these two classes was not recommended in the business plan. It was anticipated that a reduction in enrollment would result in longer bus rides for children and increased transportation costs to transport children to other preschool programs located outside of the geographical area of the district. The director described her program as serving a large geographical area of the county with other preschool programs a considerable distance away. The preschool program also provides special education itinerant teacher services in the home and in child care facilities and their business plan anticipated an increase of this service over the two-year period. Their business plan also requested approval for an integrated special class, anticipating the school district relocating the class to a district building to be fully integrated. Several steps were outlined in the plan to also increase planning with the staff of the nursery school to increase integration of children in the special class with their non-disabled peers. To reduce costs, an increase in special education itinerant teacher services was identified. However, their business plan emphasized that enrollments in special classes would remain relatively the same and staff salaries and benefits which are directly linked to district contracts could not be reduced. The status of their approval was not known at the time of this study.

Identification of three factors

Given their definition of least restrictive environment, the interviewees identified three major factors that influenced the implementation of the least restrictive environment mandates. These factors were state policy, cost, and the organization of the Committee on Preschool Special Education.

State Policy

Three state policies were mentioned by the interviewees that influenced the implementation of the least restrictive environment. First, Chapter 474 of the Laws of 1996 was viewed as an influential state policy initiative that dramatically affected the preschool special education system in New York State. A requirement of this 1996 legislation was submission of business plans by the preschool special education providers to the New York State Education Department. An important role of the business plans that influenced the least restrictive environment mandate was a requirement of the preschool providers to identify how 25% of their enrolled students with disabilities would move into settings with non-disabled peers. Many of the interviewees also thought the state was emphasizing half-day programs rather than their full-day counterparts. Enrollment in a half-day program was considered a less restrictive option on the continuum of services than full-day programs. Several preschool providers included new initiatives in their business plans to change some of their full-day classes to half-day ones to meet the requirements of the least restrictive environment mandates. Another initiative discussed that influenced the implementation of the least restrictive environment mandate was the requirement for all approved special education programs to submit an application for approval to provide Special Education Itinerant Teacher services. This service was a less restrictive option on the continuum of services than half- and full-day programs, but was not readily available across New York State as an option to maintain preschool students in their child care facility to be educated with their non-disabled peers. Requiring all preschool programs to submit applications to become Special

Education Itinerant Teacher providers should increase the availability of this service option. Several interviewees also discussed the moratorium established from 1996-99 on the approval of any new or expanded programs in settings which include only preschool children with disabilities was viewed as a mechanism to control growth in special class placements.

The second state policy discussed that influenced the implementation of the least restrictive environment was the Regent's initiative of higher standards for all students with and without disabilities. Although raising standards was more often discussed in relation to school-age students, several interviewees viewed this movement as affecting preschool children with disabilities. One chairperson commented,

> even at some of the preschool discussions, as students transition into kindergarten, parents are getting nervous about what is expected of their child……this turnaround [emphasis on higher standards for all students] may result in some students moving back to more restrictive placements….we are moving too far to the extreme when we are talking about higher standards for all students.

The Universal Prekindergarten program was a final state policy that many of the interviewees discussed that influenced the implementation of the least restrictive environment. The program was designed to provide all school districts in New York State with financial incentives to provide high quality prekindergarten programs for four-year-old children. This state initiative was not mandatory for parents or school districts, but was designed to provide the funding to districts to provide prekindergarten programs. Although the program was not implemented at the time of this study, many interviewees viewed this state initiative as a mechanism for providing the regular education placement for preschoolers, that is—a move that would increase the opportunities to integrate preschool students with and without disabilities.

Cost

The interviewees had varied responses to the influence of cost at the preschool level. Since the cost of preschool special education was perceived as the sole responsibility of the county, many interviewees did not see cost as an issue. "Cost has never been an issue. I do not even know what the programs cost. I am more concerned with the needs of the child," remarked one chairperson. Many interviewees shared this viewpoint. However, other interviewees saw cost as "driving force" and observed that placement decisions in the last year had partially been influenced by costs. Many interviewees were of the belief that the movement to less restrictive placements was done in the guise of saving money. However, several interviewees pointed out that less restrictive options were not necessarily less expensive. For example, the costs of a preschool child with a disability receiving two or more services (e.g. speech therapy, physical therapy, Special Education Itinerant Teacher services) in a child care facility may be more expensive than a child attending a half- or full-day integrated special class. The cost for special services in the child care facility are calculated on a fee-for-service basis as compared to a tuition-based rate for the half- and full-day integrated or special class. As the number of services a child receives in a child care facility increases, so do the costs.

In contrast, the tuition rate for a preschool child enrolled in an integrated or special class receiving one or more related services (e.g. speech therapy, physical therapy) would be the same. Tuition rates for integrated and special classes are established by the New York State Education Department and vary by program and across counties. Presently, a task force created by the New York State Education Department is studying a regional rate methodology to minimize the variability of tuition costs across programs and counties.

Several interviewees said that the ability of parents to contribute was also a factor in placement decisions. In both counties, the interviewees were aware of parents unable to pay for the costs associated with child care. Some school districts had limited or no Head Start or prekindergarten programs. Those districts that had these programs discussed long waiting lists of children eligible for limited slots. The limited resources of the parent and programs in these school districts resulted in many three- and four-year-old children at home. The interviewees commented that placement decisions of identified preschoolers who were at home, but had socialization needs, was more likely to be integrated or special class placements, more restrictive placements on the continuum than a child care setting. The lack of a regular education option at the preschool level was considered a contributing factor in placing children in more restrictive settings, such as integrated or special classes.

Space also has obvious implications for program costs. Several chairpersons were in the process of developing a universal prekindergarten plan, but finding or building space was considered a hindrance to developing less restrictive options.

The Organizational Structure of the Committee on Preschool Special Education

In New York State, local school districts legally governs and have administrative control or direction of special education services for eligible children. To ensure appropriate educational services for preschool students with disabilities, a Committee on Preschool Special Education (CPSE) is appointed by the local board of education to make recommendations of appropriate educational placements. In this study, four members of the Committee on Preschool Special Education were selected for interviews: (a) chairpersons, (b) preschool providers, (c) county representative, and (d)Head Start directors (representing the regular education teacher member). Each of the members belonged to the committee that met regularly to make programmatic decisions regarding preschool students with disabilities.

Many interviewees viewed the committee as an integrated structure, with members often acting in isolation from one another. During the referral process, members connect with the parents and child in various ways prior to a committee meeting to determine eligibility for services and appropriate placement. Some have talked with the parent by telephone, others are meeting the parents for the first time, while others have spent considerable time with the parents and child during the referral process. Since committee members represent various organizations (e.g. county, private provider, school district), finding time to meet more regularly as a team may not be feasible. Therefore, it is not surprising that some interviewees viewed some committee members acting in isolation.

Many interviewees viewed the evaluator as acting in isolation from the rest of the committee. The role of the evaluator was considered an inherent "conflict of interest" in the committee, since these evaluators also represented the private preschool special education programs. Many chairpersons thought that the preschool special education system was a private enterprise "out of their control." The decision-making process was viewed as skewed since the evaluators' recommendations were "programmatically driven to benefit their program" rather than meet the least restrictive environment mandates. Some of the preschool providers also shared this viewpoint. The 1996 legislative changes were discussed by some interviewers as positively influencing the role of the evaluator at committee meetings. The regulations no longer required the evaluator to include statements on the type, frequency, or duration of special services and programs on the evaluation summary report. A draft of the 1996 legislation initially included requirements that also excluded recommendations in the evaluation report. However, there was considerable controversy surrounding this requirement by evaluators in New York State. The final regulations of the 1996 legislation were silent on the requirements for inclusion of recommendations in the body of the evaluation report. This omission left the decision to the discretion of the evaluator. Some evaluators continued to make specific programmatic recommendations as done prior to the 1996 legislation that often reflected the needs of their program.

Some interviewees stressed the decision-making process as one of "consensus building" among all of the members. The role or the chairperson in building relationships with committee members, especially the parent of the student with a disability, was emphasized by some interviewees. The role of the county representative was discussed with an emphasis on their influence when not in attendance.

Overall, the interviewees viewed the three factors—state policy, cost, and the organization of the Committee on Preschool Special Education—differently. While the majority of interviewees believed that state policy (i.e. 1996 legislation, universal prekindergarten) facilitated the implementation of the least restrictive environment, others thought it was a constraint. Specifically, these interviewees saw the Regents' higher standards as constraining since they thought some students with disabilities may not be able to perform to the higher expectations. Interviewees had various views on the influence of cost. Some interviewees thought the costs of preschool special education was a constraint, especially those directly responsible for the costs. However, others interviewees did not view cost as either a constraint or facilitator since they were not responsible for the costs. The organization of the Committee on Preschool Special Education was also considered a constraint and facilitator. Many of the interviewees thought committee members acted in isolation, especially the evaluator, while others thought the committees were operating collaboratively.

Research Question #3: To what extent, if any, was there variation in local progress toward implementation of the least restrictive environment policy for preschool children with disabilities within the selected counties?

The three factors—state policy, cost, and the organization of the Committee on Preschool Special Education—were analyzed to identify commonalties and differences within the four groups selected for interviews in County A and B.

Results of the interviews indicated that interviewees had different views on how the factors constrained or facilitated the implementation of the least restrictive environment mandate in their area. Three strategies were used to analyze the interviews. First, a case analysis of County A and B was completed to identify how the four interview groups in each county viewed the influence of each factor. Second, a comparison of responses of the four interview groups across counties was completed to identify patterns of responses to each factors. For example, an analysis of responses to the influence of state policy between chairpersons and preschool providers, as well as between chairpersons and county representatives was presented. Lastly, an analysis of the four groups across profession was completed to identify how each factor was viewed within groups across counties. For example, responses to the influence of cost were analyzed across chairpersons of County A and chairpersons of County B, as well as across preschool providers of County A and preschool providers of County B. Similarities and differences for each factor were presented.

State Policy—A Comparison across County A and B and within the Four Interview Groups

State Policy—Analysis of County A and County B

An analysis of responses to the influence of state policy in County A and B indicated some commonalties and differences. In County A, there were no major differences in responses to the influence of state policy on the least restrictive environment mandates. All interviewees clearly viewed the 1996 state legislative changes as instrumental in facilitating change at the preschool level. One chairperson in County A remarked,

> it [state policy] is trickling down with a thud. They [state education department] reissued the same least restrictive environment policy paper as three years ago. We are very aware of the message from above. We are also aware that New York State is in a precarious position since being cited by the Federal government for having too many students with disabilities in special class placements.

One year after the 1996 laws were put into effect, interviewees in County A observed positive changes in the preschool system. Specifically, there were more integrated special classes available in both counties, more providers of special educational itinerant teacher services, and a greater emphasis on less restrictive placements, such as related services or half-day programs.

While the general view of state policy in County B was that it played a positive role in implementation of the least restrictive environment, several interviewees had a somewhat different view. One chairperson responded that,

> the policy regulations are being made by people who have no clue as to what's going on in the real life education world, and they need to come out of their ivory towers to see what we do in the course of a day.....they can make policy, they can make regulations, but until they have a clear understanding of what they are mandating and providing the money to carry it out, I am unimpressed by what they [state education department] do.

Another chairperson saw no impact of state policy at the local level, while several were more familiar with school-age, rather than preschool regulations.

One preschool director in County B saw the preschool system as an uncoordinated effort between state, county, and local players. The provider remarked,

> I do not think that they [state education department] have come down to evaluate the needs of our community. Rather, the push is only to reduce the numbers of students in special classes…..regardless of the needs of the community. If the needs of a community are two integrated special classes, why approve five classes? Rather, the state just says, "this is what we want." An example of this is the business plan. Our business plan was approved…..an we now have an integrated class. But, I don't have a billing rate [tuition compensation] yet and probably won't for a while. How can you operate a business like that?

Another preschool provider viewed the moratorium included in the 1996 legislation as "tying our [provider] hands in terms of being able to provide more options." This provider also viewed the development of business plans as "an exercise in futility."

County A and B had differing views of the role of state policy. The influence of state policy, specifically the 1996 legislation, was considered to facilitate implementation of the least restrictive environment by all of the interviewees in County A. While almost half of the interviewees (48%) in County B generally shared this view, 33% viewed state policy as a constraint and 19% viewed it as having no influence at the preschool level.

State Policy—Analysis of Four Interview Groups across Counties

Further analysis of responses to the influence of state policy showed similarities and differences among the four interview groups in County A and B. Each group is discussed separately, with an emphasis on the role of the 1996 legislation.

Head Start Directors.

There was no difference in the responses of Head Start directors in County A and B. The Head Start directors viewed the role of state policy as positively influencing the implementation of the least restrictive environment mandates.

County Representatives.

The county representatives in County A and B saw the 1996 legislative changes as dramatically influencing the delivery of preschool services in their area. While the county B representative mentioned the role of the regulations, the county A representative discussed her role in actively using the new state policies to affect change at the local level. "I was pleased that the state legislature gave us more teeth to work with….when it [regulations] was vague, we [county] could not mount a successful effort to move to a less restrictive delivery model." The county A representative observed the 1996 legislative changes as trickling up from the State Health Department, which regulates the birth-to-three, Early Intervention system in New York State. She commented, "finally the State Health Department and state legislature are on the right track in early intervention and all children, birth to five, will be given the opportunity to receive programming in less restrictive settings."

Chairpersons of the Committee on Preschool Special Education.

The chairpersons in County A viewed state policy as "carrying a lot of weight" in affecting change at the local level. While all chairpersons in County A discussed the positive role of state policy, especially the 1996 legislative changes, only 51% of the chairpersons in County B shared their perspective. Of the remaining chairpersons in County B, three (21%) saw state policy as a constraint at the local level and three (21%) saw it having no impact for at the local level. One chairperson (7%) was not as familiar with state policy as the preschool level as at the K-12 level.

Preschool Directors.

All of the preschool directors in County A discussed the positive impact of the 1996 legislation efforts to realize the least restrictive environment. One commented that the state education department was more flexible in the approval of integrated special classes. Another preschool director shared this perspective:

> New York State originally set up preschool special education as a private system. It was not set up to support the least restrictive environment. In the past, related services were not considered and the norm was five hour special classes that were based on the school-age special education model. Now, the state encourages collaboration with Head Start, as well as other integrated models.

The preschool directors in county B also discussed the role of the 1996 legislation, with an emphasis on business plans and the moratorium. However, three (60%) of the five preschool directors were negative about the role of state policy. One explanation may be that two of the three providers' business plans were not approved at the time of the interview. One provider had submitted several revisions of the business plan and still was unsure of their approval status.

State Policy—Analysis of Four Interview Groups across Profession

An analysis of the four interview groups across profession was completed to identify how each factor was viewed within the groups. An analysis of responses revealed differences in how state policy was perceived by three of the four groups: chairpersons, preschool directors, and county representatives. The preschool directors had a different perspective of state policy than the chairpersons and county representatives who shared similar views.

A comparison of responses between chairpersons and preschool directors revealed differences in the role of state policy in influencing the least restrictive environment mandates. The chairpersons framed their responses in relation to the influence of state policy on their responsibilities as chair of the Committee on Preschool Special Education. State policy was viewed as providing the foundation for the delivery of services at the local level. The 1996 legislation provided clarification on the role of the Committee in implementing the least restrictive environment by emphasizing the options to consider ranging from less to more restrictive. Several chairpersons remarked that there were "less gray areas with the new regulations."

While the preschool directors also discussed the role of state policy in influencing change at the local level, their responses were framed in relation to their role as director of a private business. Though, the majority of preschool providers were non-for-profit organizations. Several components of the 1996 legislation involved preschool providers, specifically submission of business plans, applying to provide special education itinerant teacher services, the moratorium of special classes, and emphasis on options on the least restrictive environment continuum. Rather than viewing the regulations as providing a clearer framework like the chairpersons, the providers viewed the policies as resulting in specific programmatic changes. In fact, several of 1996 policies were directed at preschool programs to affect changes in the service delivery models. Several of the preschool directors anticipated the 1996 changes and had moved in the direction of providing half-day and integrated programs prior to implementation. Other preschool directors were changing program models during the first year of the legislation.

A comparison of responses between county representatives and preschool directors was similar to the discussion above between chairpersons and preschool directors. The county representatives viewed state policy as providing a "how-to guide for those implementing policy at the local level." The 1996 legislative changes provided clearer guidelines for affecting change at the preschool level. The preschool providers did not view the state policy in terms of tools to aid in the delivery of preschool services. Rather, the policies were considered mandates as a top-down initiative that constrained the operation of preschool programs.

Cost—A Comparison across County A and B and within the Four Interview Groups

Cost—Analysis of County A and B

An analysis of the role of costs in influencing the implementation of the least restrictive environment mandate in County A and B showed some similarities and differences. In County A, 81% of interviewees viewed cost as an influential factor as compared to 62% in County B. Interviewees in both counties stressed that the responsibility for financing preschool special education rests on the county and state education department. However, many of the interviewees in County A held the perspective that even if they did not contribute directly to the costs they had a responsibility to recommend cost-effective, but appropriate special education programming. "The message is that the financial responsibility will move to the school districts. I look at the Universal Prekindergarten initiative as a beginning of this movement," remarked one chairperson in County A. Many interviewees in county B did not see cost as their issue so did not view it as facilitating or constraining committee decisions regarding preschool special education placements.

The perspective of the county representatives in each of the counties was also varied. In County A, the county representative observed that the Committee on Preschool Special process set up the decision-making and financial roles as separate which has kept school districts from taking ownership of the preschool special education program. She further remarked,

> I think because the school has no financial responsibility, the individual chairperson has many, many, many responsibilities, and this [preschool costs] becomes last on their list. Because the preschool providers are privatized, the

> path of least resistance is easier so the chairperson does not take on a pro-active role in becoming involved with the cost issue.

The county A representative discussed her role as one of leadership since the county's main concern was cost. "I am more aware of cost and have more strongly advocated for changes in programming to bring about a more cost-efficient system in our area."

In contrast, the county B representative remarked, "the cost factor does not come from our end." The perspective of the county was to "provide the best setting for the child where they were going to make the most gains." In relation to escalating costs, the county representative commented on the recent increased demand for home-based special education services for students with autism.

Two school districts in County B were also approved preschool special education providers. One school district chairperson/provider observed that the cost factor does not come up at committee meetings and the focus is on what the child needs. "I don't think about costs. At the end of the year, I cross my fingers and hope that there is enough money." The other school district chairperson/provider viewed cost as a county issue. The provider also provided extensive home-based special education itinerant teacher services to the growing population of students with autism. However, they viewed the growing costs associated with this service as a county issue that should be addressed by developing a centralized approach to service provision throughout the region as a cost saving measure for the county.

Cost—Comparison of Four Interview Groups across Counties

The difference in perspectives between the county representative for County A and B was discussed above. Analysis of the three remaining interview groups showed some differences and similarities in the influence of cost.

Head Start Directors.

Both Head Start directors in County A and one Head Start director in County B had similar views about the influence of cost of the implementation of preschool special education services. They recognized that services delivered in the least restrictive environment are not necessarily less expensive than those in more restrictive settings. The second Head Start director in County B did not view cost as a factor that affected implementation of services.

Chairpersons of the Committee on Preschool Special Education.

Many of the chairpersons framed their responses in relation to the role of costs in the decision making process of the Committee on Preschool Special Education. In county A, 78% of chairs viewed cost as a major factor that influences the decision making process as compared to 33% in County B. One chairperson in County A remarked,

> the driving force in our county to move to half-day programming was the tuition costs of the full-day programming. We used to allow parents the choice of either program models. However, when we [chairpersons] realized the huge discrepancies in tuition costs for half- and full-day programming, we were motivated to shift. I don't know if we would have changed unless their was such a discrepancy in tuition rates. Certainly the whole concept of least

> restrictive environment was considered, but when we [chairpersons] saw the costs, we began to stop parents from jumping to full-day programs as easily in the past. It really was a system of free daycare for some parents.

The remaining chairpersons in County A and B emphasized that cost was a county issue and the focus at the committee meetings was addressing the needs of the students. One chairperson in County B shared a common view: "because we don't actually provide our own preschool special programs, we don't really get involved in the cost issue. I never thought of cost. I will provide whatever the student needs."

Several chairpersons in both counties stressed that provision of services in the least restrictive environment is not necessarily less expensive. They recognized that the provision of multiple services in a regular education setting might be more expensive but that state policy makers often "pushed it [least restrictive environment] as a cost-saving measure."

Several chairpersons in both County A and B also identified transportation, parent ability to contribute, and space issues as cost factors that constrained the delivery of preschool special education services. The high costs associated with busing children to preschool programs were recognized by two chairperson in County A and B. This resulted in an increased emphasis on encouraging parents to drive their child to programming as a means for lowering the costs of preschool special education. Two chairpersons in both counties recognized that some families in their area may be unable to contribute to the costs associated with sending a child to a child care setting. This resulted in some preschool children with disabilities placed in integrated or special classes for socialization purposes if related services in the home was not an appropriate delivery model. Two chairpersons in County A and one chairperson B mentioned that they were in the preliminary stages of developing universal prekindergarten proposals but space was considered a major constraint for their school district to develop an on-site preschool program for four-year-old children. Lack of space in district buildings and costs associated with creating more space were factors affecting the development of prekindergarten programs.

Preschool Directors.

A comparison of responses between preschool directors in County A and B showed similar perspectives related to the influence of costs. In County A, the preschool directors observed a shift in the delivery of services as more "players" became aware of the costs associated with preschool special education. Several directors in both counties observed the "irony in inclusion as a cost saving measure." One director in County B indicated that they were a "stand-alone" operation and moved slowly to implement integrated special classes because they were unable to cover the costs of the program. However, these same directors emphasized the importance of providing appropriate special education services.

The rate setting methodology was cited by several preschool providers in both counties as an ineffective policy that resulted in programs often operating without established tuition rates for extended periods of a time. Once a tuition rate was established, preschool programs reconciled their billing for services delivered in previous school years. If a tuition rate was not established for a current school year, preschool programs operated by estimating their costs based on their previous tuition rate. This methodology was considered ineffective to efficiently operate a preschool program.

Cost—Comparison of Four Interview Groups across Professions

An analysis of responses revealed differences in how finance was perceived by three of the groups: chairpersons, preschool directors, and county representatives. The chairpersons had a different perspective of the role of costs than the preschool providers and county representatives who shared similar views.

In comparing responses of county representatives and preschool program directors, cost was a major factor influencing the implementation of the least restrictive environment mandates. The county A representative took a more pro-active role than the County B representative in coordinating efforts to address cost issues. To accomplish this, the County A representative was described by preschool directors and herself as initiating meetings between chairpersons and preschool providers, writing memorandums clarifying policy, attending committee meetings, and developing charts to account for special education services in the county. The County B representative had a different perspective on the role of costs stating, "it [cost] doesn't come from our [county] end…..a primary emphasis are the needs of the children." However, the County B representative recognized the increased costs associated with the delivery of intensive home-based services to children with autism. One provider observed that "everyone is doing our own thing. I don't see a real coordinated group at the county or local level." It was not known if the preschool providers met on a regular basis in County B. All preschool providers had submitted individual business plans that identified a reduction in 25% of the costs associated with preschool special education. Overall, cost was considered an influential factor affecting change in the preschool delivery system, and accounted for the greater emphasis on related services delivered in the home or child care facility, or half-day special or integrated classes.

In comparing responses of chairpersons and preschool directors, there was a difference in their opinions related to the influence of the cost factor. Half of the chairpersons (10) who specifically discussed their role in the preschool process viewed it as bureaucratic and separate from the fiscal issues associated with preschool special education. Cost was not their issue to consider. The remaining chairpersons recognized cost as an issue that influences implementation but thought that fiscal concerns were the responsibility of county representative who was considered "keeper of the purse-strings." Preschool directors view the cost of special education as a fiscal concern. Their concerns were with how tuition rates were established, the expense of integrated programming, and how to cover the costs of operating their program.

The Organizational Structure of the Committee on Preschool Special Education—A Comparison across County A and B and within the four groups

The Organizational Structure of the Committee on Preschool Special Education—Analysis of County A and B

Interview responses from both counties revealed differences in the beliefs about the influence of the organizational structure of the Committee on Preschool Special Education in the implementation of the least restrictive environment. The role of the evaluator and county representative was discussed in relation to the private preschool system of special education.

The evaluator's role was often viewed as a "conflict of interest" since it also represented a preschool special education program. Although any group of individuals, including school districts, could apply to the state education department to become a preschool evaluator, evaluators in County A and B were employed by a preschool special education program operating within the county. The role of the evaluator was considered conflicting by interviewees since they made programmatic recommendations, often reflecting the service delivery options of their program. Until the passage of the 1996 legislation, there were no restrictions regarding the inclusion of recommendations in preschool evaluations. The recent legislation eliminated recommendations only in the evaluation summary report. However, one chairperson viewed the committee as "being at the mercy of the private preschool provider." Since the evaluator also served as a provider, many of the interviewees held the perspective that there was a hidden motivation behind the recommendations made by the private preschool evaluators. In County A, 61% of the interviewees shared this viewpoint as compared to 45% in County B.

The same percentage of interviewees in County A and B linked the conflict of the evaluator to the private special education preschool system. One chairperson in County A described the private system as follows,

> Preschool special education is a different culture. You have county government working with private providers in a school district. It really is a different set of rules. You have private preschool providers, even if they are non-for-profit, acting like for-profit organizations. There is a built in self-

> interest because if they [preschool providers] do not have kids in their programs, they will go out of business.

Several interviewees in County B remarked that the role of the evaluator inhibited the committee from implementing the least restrictive environment. Since the evaluator represents a preschool program with integrated and special classes, some observed that it was more difficult for the evaluator to recommend less restrictive options, such as related services in a regular education setting. Even if the evaluator did not make any recommendations, some interviewees commented on the "overt 'behind the scenes' effort that exists for some providers to convince a parent that their child needed their program."

Although more interviewees in County A saw the role of the evaluator in the organizational structure of the committee as a constraint to implementing the least restrictive environment mandate in their area, 50% of interviewees in County B viewed the committee process as a collaborative team effort with a focus on meeting the needs of preschool students. Only 28% of interviewees in County A shared this view. The interviewees in County B that emphasized collaboration at their committee meetings did not highlight the role of the evaluator. County A pointed out the unequal roles of the committee members and the unfair advantage of the evaluator. County B emphasized the equal role of all members on the committee.

The role of the county representative was discussed by many interviewees. In County A, only one interviewee held a negative view toward the role of the county representative in influencing the least restrictive environment. The interviewee observed that the county representative did not come to many committee meetings and made "deals with certain preschool providers for how certain services should be delivered." The responses of the remaining interviewees viewed the role of the county representative as "having a profound affect because they pay the bill and impact how programs at the local level are least restrictive." The interviewees commented that the county representative is not able to come to many committee meetings except during the annual reviews in the Spring. However, the county representative was viewed as a influential, active committee member, often writing memorandums or available by telephone, and was seen as very knowledgeable of the availability of program options in the area. Many interviewees described their positive relationship with the county representative.

In County B, eight of the sixteen interviewees that discussed the county representative's influence in implementing the least restrictive mandates held a positive view. They emphasized her commitment to serving preschool students in the least restrictive environment. The remaining eight interviewees commented on the county representative's lack of attendance at committee meetings. One chairperson who had been in the position for the last two years remarked that she had never had a county representative at a committee meeting. Some interviewees remarked that some school districts were spread out geographically making it more difficult for the county representative to attend many meetings.

The Organizational Structure of the Committee on Preschool Special Education—Comparison of Four Interview Groups across Counties

Chairpersons of the Committee on Preschool Special Education.

The role of the evaluator was discussed by all chairpersons in both counties. In County A, 75% held the perspective that there was an inherent conflict with the evaluator serving on the committee since they represented a preschool provider. One chairperson remarked,

> every preschool provider that comes to a committee meeting has a different configuration of services. Parents are already married to them. Parents have most likely visited a preschool classroom when their child was evaluated. The parent is already visualizing their child attending that program. As a chairperson, I have to try to figure out if the evaluator is just trying to fill slots [classroom] or recommending the least restrictive placement.

Three chairpersons who shared a similar view discussed other district personnel who participated in the committee meetings. To "provide a different, and balanced perspective," these districts either had their own psychologist, special education teacher, or speech therapist participate in the meetings. The remaining 25% of chairpersons in County A viewed the committee as a collaborative process and one of "consensus building" to meet the needs of the child.

In contrast, 36% of chairpersons in County B viewed the role of evaluator as a "conflict of interest" and 64% emphasized the collaborative, positive relationship of all committee members. One chairperson commented, "I have been dealing with these evaluators and preschool providers for the last seven years. I have a pretty good relationship with them all. We work hard to make parents feel comfortable with the process." Another chairperson emphasized the multi-dimensional team approach emphasized at the committee meetings. "I encourage participation with all stakeholders. We put our heads together collectively for the needs of the child." The chairpersons in County B met regularly on a monthly basis with other preschool and school-age Committee Chairpersons to discuss regional special education issues. However, only one chairperson mentioned this meeting during the interviews. Two chairpersons that viewed the role of the evaluator as a hindrance to the process also included several district personnel on the committee. One district included a psychologist and speech therapist, and the other included a special education teacher and school nurse.

Head Start Directors.

The responses of the Head Start directors varied by county. In county A, the Head Start directors recognized that many believed that the evaluations often were self-serving. They emphasized, however, that this was a misconception since the 1996 legislation removed the voting rights of the evaluator at the committee meetings. The directors felt that the chairpersons needed to take ownership of the committee process. One of the Head Start directors in County B shared this view and saw the private provider as biased in their role as evaluator. The director observed that the evaluator will "push for special education services in their programs." The director also observed variability in interpretation of regulations in committee decisions. The other Head Start director in County B saw the organizational structure of the committee as positive, especially in their involvement with regular education providers.

County Representatives.

The county representatives in each county had differing views on the influence of the organization committee structure in implementing the least restrictive environment. The county A representative emphasized the awareness that all committee members had of the costs of preschool special education. She viewed this awareness as directly influencing the implementation of least restrictive placements. The county representative discussed her active role in collaborating with preschool providers and chairpersons to address the needs of the community through a collaborative group effort. An emphasis on proactively working with committee members was viewed as mechanism to affect change at the local level, especially with committee members from the private and public sector. The county representative also discussed a monthly meeting she attends with local chairpersons and preschool providers.

The county B representative discussed the influence of the 1996 regulations on the evaluator's role in the implementation of the least restrictive environment. Since the requirement for recommendations on the summary report evaluation form was eliminated, the county representative observed a positive change at the committee meetings. Evaluators were no longer recommending how students "have to be serviced." She commented that several years ago it was not uncommon for evaluators to come to committee meetings and say, "this is what I am recommending and this is what should be given." At that time, no member of the committee questioned the recommendation of the evaluator. The county representative viewed most committees as trying to follow the new regulations.

Preschool Directors.

The preschool directors in both counties had similar perspectives of the influence of the committee structure on the implementation of the least restrictive environment mandate. All preschool directors in County B viewed the committee members as equal "players" in a consensus-building process to meet the needs of the student. Preschool directors in County A shared this perspective. One director commented on the shift in roles within the last two years. She remarked, "at that time, the provider influenced the committee process to a large degree. However, during the last two years, the school district is no longer rubber-stamping our recommendations. Everyone is asking more questions at the table [committee meeting]." Another director observed that the county ultimately was responsible for the preschool costs and that each time you add another "player", the system gets more complicated.

The Organizational Structure of the Committee on Preschool Special Education Across Professions

Three of the four groups had similar perspectives regarding the role of evaluator: chairpersons, county representatives, and Head Start directors. However, some interviewees in these groups observed a shift in the conflicting role of the evaluators employed by special education programs within the county. These three groups will be discussed in comparison to the fourth group, preschool program directors.

At the committee meetings, the evaluator presented information about the evaluations conducted. Most evaluators described their presentation as "factual", with an emphasis on the strengths and needs of the student. They shared results based on their clinical background and experience. The preschool directors recognized that they were viewed at meetings as wearing "two hats", but they saw it differently. At the meeting, the preschool director emphasized their role as evaluator. Certainly, the preschool directors recognized that the referrals for their programs sometimes came from an evaluation they conducted. However, their emphasis at the meetings was to share evaluation information and participate in the discussion regarding the needs of the students.

While some interviewees in the other three groups—chairpersons, county representatives, and Head Start directors—shared a similar view of the role of the evaluator, the majority of the interviewees focused on the private preschool system and the self-serving role of the evaluator. Although the 1996 regulations eliminated the inclusion of recommendations in the summary report form and the voting rights of the evaluators, the interviewees in these three groups had not observed the effects of these changes at the local level to a great extent. These three groups typically viewed the organizational structure as constraining the implementation of the least restrictive environment, with a heavy emphasis on the private enterprise system and the "hidden agenda" of the provider committee member.

Summary

Chapter Four described the development of the coding scheme and the findings derived from analyzing thirty-eight interviews. To ensure a degree of consistency in the coding process, two raters in the field of education were selected to analyze 10% of the interview transcriptions; 90% agreement was reached. Characteristics of County A and B were presented. The three research questions framed the analysis of interview responses. First, using PD-4 reports, placement data were presented for each county for the 1994-95, 1995-96, and 1996-97 school years, as well as interviewee perceptions of preschool placements. Second, a comparison of definitions of least restrictive environment was presented, as well as a description of business plans. Three factors were identified by the four interview groups as influencing implementation of the least restrictive environment policy: state policy, cost, and organization of the Committee on Preschool Special Education. Three analyses of the interview responses from the four stakeholder groups in each county were presented for each of the three factors. First, a comparison of county A and B was presented. Second, cross-case analysis for each county was completed. Lastly, an analysis for each of the four stakeholder groups across professions was discussed to determine the extent, if any, of variation in local progress toward implementation of the least restrictive policy. Discussion of the similarities and differences across counties and within the four interview groups for each factor was presented for each of the three analyses.

Chapter V

Discussion, Implications, and Recommendations

This descriptive, exploratory policy study examined how two counties in New York State implemented the requirements of the least restrictive environment mandates. The analysis of policy implementation did not address whether the policy value of providing appropriate educational services to preschool students with disabilities in the least restrictive environment was proper or valid. Rather, the focus of the study was to explain why local county response to the authoritative decisions found in state policies and education law led to varied outcomes among the two counties. This final chapter analyzes the results of the findings in relation to the three research questions, identifies implications of the study and presents recommendations for future research.

Discussion of the research findings

Results of this study showed variation in interview responses for the four interview groups in each county. A discussion of the findings is outlined in relation to the three research questions. The first research question described the profile of local implementation of early childhood special education in each county by gathering perceptions of service delivery and comparing them to placement data for the 1994-97 school years. Variation of responses is discussed, as well as differing definitions of the least restrictive environment. The second research question, identification of factors that facilitated and constrained implementation of the least restrictive environment, is discussed in conjunction with the last research question that identified the extent of variation of local progress toward this policy goal.

Research Question #1: What was the profile of local implementation of early childhood special education in two selected counties within New York State.

Comparison of interview responses in each county showed that the majority of interviewees observed a change in the delivery of preschool special education over the last several years toward less restrictive placements. The 1996 legislation was cited as influential in affecting substantial change in each county, especially the development of less restrictive placement options. Although many of the interviewees in County A commented on the "dramatic" shift in service provision, analysis of the PD-4 data showed a more consistent, but slower, trend toward services in less restrictive setting over the three year period. One explanation for this discrepancy may be that the increase in half-day programs are not delineated in the PD-4 reports. The county B representative cited somewhat different percentages of students receiving center-based and related services than indicated in the PD-4 data. One explanation for this discrepancy may be that current PD-4 data to support this assertion was not available at the time of the interview and is not published until Spring '99.

Overall, each county had similar placements rates according to the PD-4 data. However, during 1994-97, the percentage of students placed in separate, special classes in County A decreased was more than half of the statewide rate each year. During this same time period, the percentage of students served in this more restrictive setting increased in County B and exceeded the statewide rate for the last year. However, compared to statewide data in 1994-97, County A and B placed fewer students in more restrictive settings. County A continued to place a high percentage of students with disabilities in settings designed for children without disabilities. An explanation for these high percentages may be attributed to the two large early childhood centers in County A that housed Head Start classes, nursery school classes, and special classes. Interviewees in County A described greater collaborative arrangements between special and regular education programs resulting in the "center approach to the delivery of services." The New York State Education does not consider special class placements in integrated settings a less restrictive settings. Some educators see this arrangement differently, arguing that preschool students with disabilities in these settings have many opportunities for integration with their non-disabled peers. Others would not view the opportunities for integration as guaranteed or automatic. The preferred collaborative relationship emphasized in the development of business plans and universal prekindergarten proposals was the development of integrated special classes in these centers, considered one of the less restrictive placements.

In contrast, more special education programs in County B operated in separate facilities, away from the regular education population. An explanation for this arrangement may be that the intent of preschool special education in New York State initially supported special education services in separate facilities and collaborative relationships in integrated settings were rare. Almost ten years later, New York State continues to have high percentages of preschool students receiving services in special classes. The affect of the 1996 legislative changes and universal prekindergarten initiatives on supporting preschool students with disabilities in less restrictive settings is not clear.

Analysis of PD-4 data or interview responses only would result in omission of important factors. The PD-4 data did not adequately capture the shift in service provision in each county. In fact, analysis of placement data in isolation reflected two counties that continued to place high percentages of students in more restrictive settings during a three year period. Analysis of interview responses in isolation showed that interviewees thought they were making dramatic changes in the delivery of least restrictive services. Together, analysis of placement data and interview responses allowed for a greater understanding of policy implementation at the local level. Identification of factors that facilitate or constrain implementation in comparison to analysis of placement data allow key players at the local level to continually evaluate their progress in moving toward less restrictive placements. The result is a greater understanding of the effects of policy implementation at the local level. A reliance on placement data alone for evaluating progress toward the least restrictive environment mandate without gathering more comprehensive data with key players at the local level can be misleading.

Research Question #2: What were the factors that either facilitated or constrained implementation of the least restrictive environment mandates within the selected counties.

Research Question #3: To what extent, if any, was there variation in local progress toward implementation of the least restrictive environment policy for preschool children with disabilities within the selected counties?

The second and third research questions are discussed together. The identification of facilitating and constraining factors is directly associated with the discussion of the variation of local progress toward implementation of the least restrictive environment policy. First, a discussion of the variations in definitions of the least restrictive environment is discussed.

Least Restrictive Environment

Analysis of the least restrictive environment indicated that most interviewees (77%) in County A and B had a similar definition as the New York State Education Department. The starting point for delivery of services was consideration of a regular education placement to the greatest extent possible with special education supports provided as appropriate. In contrast, 21% of interviewees defined least restrictive environment as a continuum of placement options, similar to Taylor's (1988) model where students have greater or lesser opportunities to be interact with their non-disabled peers. A student's disability was a factor these interviewees considered when placing students along the continuum of service options. Students with severe behavioral disorders were considered more difficult to place in regular education placements and more restrictive placements were considered more appropriate by those interviewees that viewed placement as points along a continuum. This view was consistent with the analysis of case law for the last ten years that showed the degree of disability as a significant factor for deciding educational placements.

The complexity of this issue centers on what the concept of least restrictive environment means as well as how to involve preschool children with disabilities in integrated settings so that all parties, with and without disabilities, benefit. During the last ten years, the "rhetoric for full inclusion of all students with disabilities in regular education settings has grown increasingly strident" (Bricker, 1995).

Inclusion has its strong advocates (Fuchs & Fuchs, 1994) and there is an emotional debate surrounding this cause. Some educators have interpreted the philosophy of least restrictive environment to mean a regular education placement in every case, regardless of the individual needs of a student's disability. Conceptually, the Individuals with Disabilities Education Act did not mention inclusion, integration, or mainstreaming in their definition but reaffirmed their position of educating students with disabilities in the regular education setting to the greatest extent appropriate. On a practical level, the value of including students with and without disabilities lies in its sensible application (Bricker, 1995).

In comparison of responses across counties, more interviewees in County B (95%) than County A (62%) viewed least restrictive environment with the regular class placement as a starting point with preschool special education services considered to the greatest extent appropriate. This result was interesting since more interviewees in County B discussed the lack of regular preschool options that inhibited placements in the least restrictive environment. Philosophically, these interviewees in County B supported the regular class placement for students with disabilities; however, the lack of available child care programs resulted in more preschool students in separate, special class placements than County A. This response by County B could be viewed as a "coping" (Weatherly & Lipsky, 1977) response to their local situation, in which the demands of the least restrictive environment mandate were coupled with the scarcity of regular class placements to support implementation.

The majority of interviewees (85%) had the same definition of least restrictive environment for preschool and school-age students with disabilities. However, 15% of the interviewees had a different definition due to the lack of a regular public school placement for preschool children, which was considered a hindrance to implementing the least restrictive environment mandate.

Business Plans

Analysis of business plans showed that all designs involved development of nursery schools or collaboration with other child care agencies to provide special education services for preschool children with disabilities with their non-disabled peers. A component of the success of these collaborative programs involves access to experienced staff to meet the needs of children with disabilities. Community-based programs may not have personnel with the necessary experience or training to work effectively with children with disabilities (Wolery et al., 1994). Several business plans recognized this need and described training programs to prepare staff in child care settings for the successful inclusion of preschool with and without disabilities.

State Policy

State policy emerged as an influential factor in supporting the movement toward less restrictive placements for preschool students with disabilities in each county; however, responses varied. The intent of state policy for the appropriate education of preschool students with disabilities was based on a legal framework supported by numerous compliance strategies. However, the conclusion of empirical research on policy implementation was that it was difficult to make something happen, most especially across layers of government and institutions (Fuhrman, 1993; Grodzins, 1966; McLaughlin, 1987; Odden, 1991; Pressman & Wildavsky, 1984; Weatherly & Lipsky, 1977). This was so because policy makers, at any level, could not mandate what matters.

All interviewees in County A identified Chapter 474 of the Laws of 1996 as facilitating positive changes in the provision of services in less restrictive settings. In contrast, only half of the interviewees in County B shared this perspective. The remaining interviewees believed state policy served as a constraint or had no influence at the local level to service provision. State policy was perceived as a top-down directive by preschool providers in County B who believed that it did not account for the local needs of communities. These variations in responses highlight the difficulty in transmitting state policies to the local level. In this study, the result was varying interpretations of the meaning of the 1996 legislation as it was carried out in each county.

One explanation for these variations in perspectives may be attributed to the numerous preschool policy requirements found in the 1996 legislation, such as (1) submission of business plans by preschool approved providers, (2) moratorium on expansion or new special classes , (3) submission of applications by preschool programs to provide special education itinerant teacher services, (4) omission of recommendations from evaluator's summary report forms, and (5) requirement of committees to consider less restrictive options. The first four requirements listed above required preschool special education programs to make substantial and specific programmatic changes to comply with the least restrictive environment mandates. Previous state policy papers concerning the least restrictive environment could be considered ambiguous that resulted in very little change in the delivery of services. Local communities had the flexibility to deliver preschool services as they deemed appropriate. However, the 1996 legislation included explicit program changes that was considered to "dramatically" overhaul the preschool delivery system.

Weatherly and Lipsky (1977) argued that the lowest levels of the policy chain, the actual implementors or "street-level bureaucrats" (p. 171), were the makers of the policy in terms of what they actually implemented and thought the original policy to mean. Many of the preschool program directors in County B remarked on how state policy often mandated changes without consideration of the needs of their community. In contrast, the preschool providers in County A held more positive views toward the intent of the 1996 legislation and appeared to work collaboratively as a group and with other stakeholders as they made the required changes.

Another state policy discussed by several interviewees was the recent New York State Regents' initiative for higher standards for all students as a constraint to implementing the least restrictive environment. Although these higher standards had not been applied at the preschool level, several chairpersons anticipated a "trickle-down" effect, resulting in more preschool students served in more restrictive placements since they would be unable to "keep up with the students in the mainstream."

A final state initiative, Universal Prekindergarten, was discussed by many interviewees as a mechanism for offering the regular class placement lacking for preschool students, aged four. At the time of the study, school districts were at the preliminary stage of developing Advisory Boards to determine if Prekindergarten programs were feasible in their area. Lack of space and adequate funding were cited by many school districts in this study as significant constraints to the development or expansion of prekindergarten programs. However, Peck (1995) believed that as long as states "retain ideology, programs, and resources that implicitly suggest that there is a place to send preschool children with disabilities, the likelihood that the general education system will make serious efforts to accommodate and include these children is reduced" (p. 198).

Peck et al. (1993) pointed out that "there was little reason to believe that integrated programs could be developed and maintained successfully by relying primarily on policy mandates and other top-down approaches" (p.200). Efforts to develop preschool special education service delivery systems that incorporate alternatives mandated by legislation and best practice must emanate from two directions. First, there must be direction and support from state level policy makers. Second, technical assistance must acknowledge and work within the complex array of issues that affect the course of preschool programming for students with disabilities in local communities. Strain (1990) pointed out that implementation of service delivery systems that incorporate alternative methods required more than a philosophical commitment to integration and collaboration. Policy makers in states must provide clear and consistent direction on the implementation of state mandates. States must undertake systems change to eliminate barriers that impede interagency collaboration with preschool programs that are not part of the public preschool system (Odom & McEvoy, 1990). Public policy changes may be required to eliminate bureaucratic disincentives to collaboration (Smith & Rose, 1991). For example, the Universal Prekindergarten initiative may require elimination of funding restrictions and personnel standards for the program to be successful across the state.

Cost

Presently, the funding of preschool special education is the responsibility of the State of New York and county governments. This fiscal arrangement at the preschool level significantly affects how cost influences the implementation of the least restrictive environment. The current rate setting methodology for tuition costs often establishes deferred billing rates for preschool special education programs that delays compensation. The majority of interviewees in County A (81%) considered cost an influential factor as compared to 62% in County B. Many interviewees in County B did not see cost as influential since they were not directly responsible for the funding.

Interviewees in County A and B viewed the county representatives as influential since they had direct responsibility for financing special education. However, the County B representative did not consider the cost factor as influential as the needs of the student in placement. In contrast, the County A representative proactively communicated that cost is an important factor to consider while considering appropriate programming. The County A representative described an active collaboration between preschool providers and committee chairpersons to develop more cost-efficient delivery models to meet the needs of their community.

Many chairpersons in County A (78%) also viewed cost as a decisive factor, "the hidden agenda that drove the train," as compared to 33% in County B. Two school districts in county B were also approved to operate special education preschool classes. Although the two preschool programs were operated by district employees aware of the costs associated with operating such a program, the two chairpersons did not consider cost a factor that influenced the implementation of the least restrictive environment. It was more likely that these two districts would consider the costs associated with placements since they operated approved preschool programs; however, the actual funding of the program continued to be viewed as a county issue. In 1996, a recommendation to shift some of the transportation costs to the school districts did not pass. Many believed that financial responsibilities of preschool would eventually be transferred to school districts. If school district personnel, who chair the committee meetings, become responsible for some or all of the costs of preschool school education, the influence of cost on the implementation of the least restrictive environment may increase. This study demonstrated that the "holder of the purse-strings" was viewed as remarkably influential in affecting change at the local level.

Several interviewees remarked on the perception that the least restrictive environment requirement is a cost-saving measure. While that may be true in many cases, some interviewees believed that personnel costs might increase as more preschool students with varying disabilities are served in regular education placements. The rate setting methodology of the state education department also concerned several preschool providers. This fiscal arrangement was described as a mechanism that functioned ineffectively by establishing tuition rates several years after submission of paperwork from the provider. In practice, programs ineffectively operate their programs by predicting their reimbursement costs in several years which has resulted in two preschool programs closing in County A. Several preschool programs that closed in The effect of a regional tuition rate setting methodology, currently being studied at the New York State Education Department, is not known.

The Organizational Structure of the Committee on Preschool Special Education

The committee structure was viewed as a major factor in influencing the implementation of the least restrictive environment mandate. However, responses differed in County A and B. Overall, the committee structure was viewed as unbalanced with the county representative and evaluator considered the most influential, with the former responsible for financing and the latter responsible for placement recommendations. Although the evaluator's role was to present their findings, the 1996 legislation restricted their ability to include recommendations in the summary report form that accompanied their evaluations. A common theme of County A was that "evaluators no longer made recommendations." Since the 1996 legislation was silent on inclusion of recommendations in the body of the evaluation report, it was not clear if other non-mandated requirements were being enforced in County A by the committee chairpersons or county representative. Some of the evaluators in County A recognized the perceived "conflict of interest" and had modified their presentations at committee meetings to include "just the facts" that emphasized the current functioning of the student during the evaluation.

The interviewees in County B recognized the conflict associated with role of the evaluator; however, more interviewees in County A viewed this role as a constraint to implementing the least restrictive environment mandate. Interviewees in County B emphasized the consensus building atmosphere at their committee meetings. Finance was not considered influential in placement decisions, so a likely conclusion was that all committee members considered themselves on an "equal playing field." It was not surprising that interviewees in County A viewed the role of evaluator as a constraint, since it was one more member, in addition to the county representative, that unbalanced the committee structure.

The dual role of the evaluator as preschool special education provider was discussed by many interviewees in County A and B. Specifically, the establishment of the private preschool system by the New York State Education Department was viewed as a constraint to implementing the least restrictive environment mandate. The result of this private system was the creation of separate special education programs, often away from the regular education population. Overall, as both counties "coped" (Weatherly & Lipsky, 1977) with the pressure of state policies to "change the private system", stakeholders in County A were less resistance as compared to County B.

Policy Implications

One important lesson from the research on implementation efforts was that the outcomes of any approach to program development and change are mediated by local context factors (Peck, Richarz, et al., 1989). This implies that any change effort must be conceptualized as a general strategy and that policy changes can not be expected to override local context. Preschool program directors in County B viewed the requirement of the business plans as forceful pressure to change a system entrenched in privatization. With the exception of the two school districts in County B who operated preschool special education programs, all other special education services (center-based classes or related services) were contractually arranged with private special education preschool providers. However, collaborative relationships between special education programs and child care facilities were becoming more common. For example, several of the Head Start directors described some of their classes as approved integrated special classes with personnel from the Head Start and special education program responsible for services.

Many interviewees believed that the control of the private preschool system was unbalanced, with committee members representing distinct, but sometimes overlapping roles, such as private provider, evaluator, chairperson, or county representative. Recognizing the history of the organization of the preschool special education system in New York State, it was not surprising that McCall's (1994) audit reached conclusions of a self-serving system. However, it was evident that committee members in County A were more active outside of meetings to collaborate and develop less restrictive options that met the needs of the local community. If the four interview groups continue working together outside of meetings for the shared goal of implementing the least restrictive environment, it may minimize the perceived "conflict of interest" that many interviewees in County

A had concerning the role of the evaluator. In contrast, County B described a collaborative relationship at the committee meetings among all stakeholder groups; however, the collaboration outside of meetings to address the least restrictive environment was not mentioned.

Some interviewees viewed the Universal Prekindergarten initiative as a positive step toward "unlocking the power of the private providers" by including school districts in development of collaborative preschool models that would serve preschool students with and without disabilities. This state initiative was considered influential in supporting an increased collaboration between child care facilities (e.g. Head Start, nursery school, special education programs) and school districts. One possible result of this state policy was increased opportunities for preschool children with disabilities to receive services in the least restrictive environment. The development of prekindergarten programs were in the beginning stages of implementation and the effects on least restrictive environment were unknown.

This study found a relationship between the intent of least restrictive environment and what happened at the local level in two counties. However, the implementation of the least restrictive environment depends on favorable circumstances at the local level, circumstances over which the policy itself had little control. Implementors of any educational change, including the least restrictive environment mandate, must be aware of local stakeholders and the politics that surround them.

Practical Implications

Although this study focused on policy implementation, three implications for practice at the local level are discussed. First, the universal prekindergarten initiative program emphasized collaboration between school districts and child care facilities to implement the program. This results in district personnel working with non-district child care staff in the same classroom. Teachers working in school districts are governed by union contracts that determine salary and benefits. Since child care staff are not protected by union contracts, a marked disparity between salary and benefits results. This could contribute to the weakening of collaborative relationships essential for effective programming. Furthermore, school districts or child care programs may also elect not to participate in the prekindergarten program.

Second, collaborative and integrated special class preschool arrangements may result in regular and special education personnel with different levels of education. While special education teachers are required to have a minimum of a bachelor's degree, many of the regular education teachers have less educational requirements, typically a two-year associate's degree. This disparity in educational attainment results in a status difference that may pose a problem in collaborative teaching arrangements of regular and special education teachers. With the increased emphasis on implementation of the least restrictive environment, regular education teachers, who typically have less education than special education teachers, are often expected to teach preschool children with disabilities in the general education setting. It is not known if certification requirements for regular education personnel will change with the increased emphasis on least restrictive environment and collaboration between regular and special education teachers. If regular education teachers are required to obtain higher credentials, the costs of preschool programming may be affected.

The final implication for practice is the funding mechanism for preschool special education in New York State. The preschool system is primarily a private enterprise with the responsibilities of costs shared between the county governments and the State of New York. Although many interviewees believed that cost "was not their issue", the cost of the preschool programs were essentially derived from public tax dollars. With this view, the "private" preschool system could easily be thought of as a "public" entity. This realization could result in all members of the Committee on Preschool Special Education collectively taking ownership of the preschool system to affect greater change at the local level. Rather than dismissing the role of costs as another member's financial responsibility, each member could have a greater understanding of finances that could result in the implementation of appropriate, cost-effective programming in the least restrictive environment.

Recommendations for Future Research

Weatherly and Lipsky's (1977) research on policy implementation provided the framework for studying the implementation of the least restrictive environment mandate in two upstate-metropolitan counties. At the beginning of these investigations, it was noted that there few local studies of implementation of preschool special education policy. This study examined the local profiles of two counties and identified the factors that supported or constrained implementation in relation to state mandates, as well as analyzed the extent of any variation between the counties or among the four groups selected for interviews. The significance of this study rests in its ability to contribute to the knowledge base necessary to increase understanding of local implementation of the least restrictive environment mandate. The final part of the dissertation provides additional suggestions for future research based on this investigation. These recommendations may be relevant in terms of developing larger perspectives regarding the policy of providing an appropriate education for all students with disabilities and to the study of policy implementation.

This study found variations in the influence of committee members when recommending appropriate services for preschool students with different disabilities. Future research could focus on the decision-making process used in the Committee on Preschool Special Education meetings. An in-depth analysis of committee meetings would increase the understanding of how policy is implemented in a local context and identify, more specifically, the decision-making process and the influence of each committee member, including the parent member. The recommendations following a committee meeting are direct outcomes of the members' interpretation of the least restrictive environment mandates. Analysis of the process of making the recommendations has not been studied extensively. This could be accomplished by collecting interview or survey data of all members following a committee meeting to gain an understanding of the decision-making process, as well as confidential analysis of board minutes. Intensive observation could be conducted of one or more school districts that would generate knowledge of decision-making, leadership, communication, and evaluation of actual placements of preschool students with disabilities. This area of research could address some follow-up questions raised in the MAGI (1997, p.52) study: "(1) How consistent are child assessment processes and placement decision-rules across districts and preschool programs?, (2) Do all system players view the severity of a student's disability in the same light?, (3) Do all committee members apply the same rigor to service recommendations?, and (4) Are all players aware of the full-range of special education options for preschool students with disabilities?" This study showed that examination of placement data only does not thoroughly explain the reasons for continued placement of preschool children with disabilities in more restrictive settings since 1994 in New York State.

Future research also might focus on program effectiveness of preschool special education. At the school-age level, there are student outcomes to measure progress (e.g. statewide reading and math tests) that many view as a direct reflection of the school district in which the student resides. At the preschool level, there are no standard indicators of effective student progress to measure the effectiveness of a preschool program. However, there are "best practices" for preschool programs to follow for delivery of special and regular education. Currently, the New York State Education Department is developing a preschool quality assurance tool to assess the effectiveness of early childhood special education programs. Until the State of New York develops statewide standards for three- and four-year-olds, this tool will focus primarily on program effectiveness. Once this tool is developed, the effectiveness of preschool special education programs in New York State can begin to be researched.

Research on the role of the preschool evaluator is needed to more clearly understand their perceived "conflict of interest" at committee meetings. This conflict was believed to be directly related to their evaluations of preschool children suspected of having a disability. One interviewee discussed their master's thesis that examined the variation of evaluation content that affected placement decisions of preschool children. Future research could be accomplished by collecting samples of evaluations and submitting them to "mock" committees for analysis of the reasoning process that led to their placement decision. Observation of actual committees could be conducted to further analyze the extent to which the evaluator influenced the committee. Surveying parents, who have children referred to the committee for the first time, of their perceptions of the evaluation process could contribute to understanding the role of the evaluator.

There is a need for further qualitative research to examine the factors affecting the implementation of the least restrictive environment mandate. Further investigations to confirm some of the findings of this study are warranted, for example, the differences in perceptions of the influence of cost, the effect of the role of the evaluator and county representative on committee decisions, and the effect of business plans on redirecting resources over a two year period.

Limitations of Study

Future research should focus on larger samples including all counties in one or more county types. Although, the findings of this study may provide information to other counties within New York State or to other states who are considering addressing their least restrictive environment implementation practices. Studies including larger samples will increase the generalization of results allowing for greater understanding of policy implementation at the local level in response to state mandates and particularly of the implementation of the least restrictive environment.

Further, other key stakeholders should be included in future studies on preschool special education. These include parents of students with disabilities, day care and nursery school directors, special and regular education teachers, and related service providers. Eliciting input from various constituents is important to better understand their perceptions of least restrictive environment for preschool children with disabilities.

Summary

The concept of least restrictive environment continues to be contextually bound with references to integration, mainstreaming, and inclusion. Regardless of the term used, the placement of preschool children with disabilities into settings with their non-disabled peers is an important goal. How this goal is achieved is important in order to maximize growth in all areas of development for children with and without disabilities.

This research emphasized that the least restrictive environment mandate is seen both as a moral and legal issue. Almost twenty-five years following the passage of P.L. 94-142, the rights of individuals with disabilities continue to be debated by educators, policy-makers and in the courts. Efforts to implement special education policies that affect positive changes for students with disabilities at the local level must be designed to be responsive to local conditions, and when appropriate, challenge the beliefs and power of the local participants.

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APPENDIX A

LETTER INTRODUCING STUDY

June 1, 1997

Dear Superintendent of Schools,
Preschool Program Director,
County Director, or
Head Start Director:

The purpose of this letter is to introduce myself, a doctoral candidate in the Educational Administration and Policy Studies program at the State University of New York at Albany and to request that your school district (preschool program/county/Head Start program) consider participating in my doctoral research project. The purpose of this project is to describe and explain how counties have dealt with implementing the requirements that are found in the least restrictive environment provisions for preschool children with disabilities.

I am interested in working with school districts (preschool programs/counties/Head Start programs) that are conducive to sharing knowledge that will contribute to our understanding of the impact of public policy at the local level. I have participated in several field research projects and have demonstrated integrity and a commitment to strict confidentiality.

I will contact you shortly to discuss the possibility of your participation in this project. If you have any further questions, please feel free to contact me at ------- or my dissertation committee chair, Dr. Purrington, at -------. I look forward to your participation in this important project.

Sincerely,

Eileen M. Borden
Doctoral Candidate

APPENDIX B

CONFIDENTIALITY
CONSENT FOR INTERVIEW

Project Director: Eileen Borden

Project Title: Local Variations in Least Restrictive Environment Placements for Preschool Children with Disabilities.

Purpose of Interview: The purpose of this interview is to obtain information that will help describe how counties adopted state mandated educational reform found in the provisions for the Least Restrictive Environment for preschool children with disabilities. The structured open-ended instrument used in this project will be utilized in the same manner for all participants in the project. The information that is collected from this process will be used solely for educational purposes and will be held in strict confidence by Eileen Borden. In this project, there will be no reference made to your identity, and in no way will the information collected be harmful to you. The benefits of your participation in this project may result in educators and state policy makers to better understand the impact of state mandates on local counties concerning the implementation requirements found in the provisions for the Least Restrictive Environment.

Consent: I am fully aware of the nature and extent of my participation in said project and I realize that my participation is voluntary and will not be harmful to me. I understand that I am not required to sign this consent form. I understand that should I consent to having this interview tape-recorded that this tape will be destroyed after it is transcribed. I hereby agree, with full knowledge and awareness of all the foregoing, to participate in said project. I understand that I may withdraw my participation in said project at any time and that I may inspect a copy of the institutional assurance filed with the State University of New York at Albany.

Date: ________________ Signature: ______________________________
Participant Code: ________________ Tape Record: Yes _____ No: ______

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